



**Notice of a meeting of
Planning Committee**

**Thursday, 19 September 2013
6.00 pm**

Membership	
Councillors:	Chris Coleman (Chair), Penny Hall (Vice-Chair), Helena McCloskey, Garth Barnes, Barbara Driver, Jacky Fletcher, Bernard Fisher, Rob Garnham, Les Godwin, Peter Jeffries, Andrew McKinlay, Malcolm Stennett, Pat Thornton, Simon Wheeler and Klara Sudbury

The Council has a substitution process and any substitutions will be announced at the meeting

Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **PUBLIC QUESTIONS**
4. **MINUTES OF LAST MEETING** (Pages 1 - 20)
5. **PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS –
SEE MAIN SCHEDULE**
 - a) **13/00813/FUL Land adjacent to Eagle Tower** (Pages 21 - 38)
 - b) **13/00921/FUL 26 Albert Road** (Pages 39 - 48)
 - c) **13/00934/FUL & LBC Chalfont House, 61 The Park** (Pages 49 - 54)
 - d) **13/00936/FUL & LBC Chalfont House, 61 The Park** (Pages 55 - 60)
 - e) **13/01215/FUL Castle Farm, Ashley Road** (Pages 61 - 68)

- f) **13/01216/COU 1A Everest Road** (Pages 69 - 98)
 - g) **13/01265/FUL Pinewood, 12 Acacia Close** (Pages 99 - 116)
 - h) **13/01268/FUL 1 Moorend Street** (Pages 117 - 120)
- 6. REPORT: REVIEW OF PLANNING CODE OF CONDUCT** (Pages 121 - 122)
- 7. ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION**

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Planning Committee

Thursday, 22nd August, 2013

6.00 - 8.55 pm

Attendees	
Councillors:	Chris Coleman (Chair), Helena McCloskey, Jacky Fletcher, Garth Barnes, Barbara Driver, Bernard Fisher, Rob Garnham, Les Godwin, Andrew McKinlay, Malcolm Stennett, Pat Thornton, Simon Wheeler, Andrew Chard (Reserve), Jon Walklett (Reserve) and Roger Whyborn (Reserve)
Also in attendance:	Tracey Crews, Martin Chandler, Michelle Payne, Emma Pickernell, Karen Radford, Chloe Smart, Gary Spencer, Mark Power and Kathryn Sayner

Minutes

1. APOLOGIES

Apologies were received from Councillors Hall, Jeffries and Sudbury.

2. DECLARATIONS OF INTEREST

Councillor Driver declared a personal interest in any item relating to Cheltenham Borough Homes and advised she would leave the room for that item.

3. PUBLIC QUESTIONS

There were no public questions.

4. MINUTES OF LAST MEETING

Resolved, that the minutes of the meeting held on 18 July 2013 be approved and signed as a correct record without corrections.

5. PLANNING/LISTED BUILDING/CONSERVATION AREA CONSENT/ADVERTISEMENT APPLICATIONS, APPLICATIONS FOR LAWFUL DEVELOPMENT CERTIFICATE AND TREE RELATED APPLICATIONS – SEE MAIN SCHEDULE

The chair asked the Team Leader, Development Management, Martin Chandler, to give members an update on the former Odeon cinema and Haines and Strange sites discussed at the last meeting.

The Team Leader confirmed that since the last meeting there had been further discussions with the applicant on the design of both schemes. Officers had been pleased with the outcomes and planning permissions had since been granted. English Heritage had made similar comments to the council's

conservation officers and subsequent negotiations with the developers had gone well and officers were pleased with the improvements that had been made.

The chair announced his intention to take application 5n) before 5i) for the benefit of a number of members of the public in attendance for this item.

Regarding 5a) he referred members to the update from the crime prevention officer which had been circulated to members earlier that day via e-mail. It was noted that members should be given a copy and time to read it before this item was dealt and it would therefore be deferred until 5b) and 5c) had been taken.

6. 13/00911/OUT CHRIST COLLEGE, ARLE ROAD

The Senior Planning Officer, Emma Pickernell, introduced the report regarding the proposal for the outline application for residential development including means of access (indicative layout of 85 dwellings) at the former Christ College site. Officers considered the principle of proposal and the access were acceptable and therefore the officer recommendation was to approve it.

Public Speaking:

Mr Kevin Hunt, applicant's planning consultant, in support

Mr Hunt explained that the application proposed redevelopment of the former Christ College School site following the relocation of the school to the All Saints Academy. The construction of the Academy was funded, in part, by the Clifton Diocese as the owners of the Christ College site. As such there had always been a recognition that following the completion of the All Saints Academy, the Christ College land would be brought forward for residential development.

In his opinion, the redevelopment of the site would have a direct and positive impact on the delivery of new homes in Cheltenham. In turn this would help to reduce pressure on the five-year housing land supply by providing a range of family homes in a sustainable urban location on previously developed land.

In respect of highways matters, the county highways officers had advised that the scheme provided a safe access onto the public highway and that there were no residential amenity concerns. Highways officers had also confirmed that there were no highway safety grounds on which to refuse this application.

In respect of the layout proposed he stressed that it was indicative in nature and simply demonstrated that the number of houses could be delivered in a safe and sustainable manner. It would be for subsequent Reserved Matters applications to define the layout and design of individual buildings and he was sure that officers would deal comprehensively with the design to provide a high-quality scheme based on the principles agreed in this Outline application.

He highlighted that this application would secure the retention of the Sports Hall. His client had entered into an agreement with the YMCA who would manage the sports hall and make it available to the public, a significant advantage arising from this application. The application also included provision for on-site open space including a children's play area and a comprehensive network of paths which would integrate the site into the surrounding community. The scheme offered full education, library and open space contribution in line

with the requirements. In respect of affordable housing, they had undertaken a Viability Analysis, which had been independently verified by the Valuation Office, and which confirmed that the scheme would not be viable if a 40% affordable housing provision was applied. However they had entered into a collaborative process with officers and had agreed to the provision of 20% affordable housing which meant that the scheme would be viable and therefore would be developed to help meet both local market and affordable housing needs.

The officer's report had confirmed that the scheme was fully policy compliant in all other respects including residential amenity, highway safety, ecology, ground conditions and flood risk. Furthermore it was clear that the redevelopment of the site would be to the benefit of the local community and would contribute to the delivery of sustainable housing on previously developed land within the town. He therefore urged the committee to accept the officer's recommendations and approve the application.

Member debate

Councillor Wheeler acknowledged that the application was for outline permission only but he felt this could cause problems further down the line if members then wanted to challenge aspects of the development. He challenged the statement that 40% of affordable housing was not affordable for the developers and commented that this was an argument that the committee had heard many times. In his opinion if 40% could not be achieved on this site it could not be achievable anywhere in the country (county?). He also considered that a density of 33 units per hectare was not a good use of this brownfield land in a prime position for residential housing.

Councillor Driver thought the developers should go back to the drawing board with regard to the design and take on some of the points that police had raised. In particular she was unhappy that the play area was situated on the edge of the site. She thought it should be situated in the middle of the site whereby children could be integrated into the community. She requested that this be fed back to the developers.

Councillor Garnham was happy with the principle of the development but would prefer to see a height limit set of 2.5 storeys in keeping with other buildings in the area which were generally lower than the trees. He also questioned how strong the agreement was relating to continuing investment in facilities at the All Saints Academy outlined in paragraph 6.7.6 of the report.

Councillor Fisher supported the concerns about the low level of affordable housing and he thought it was a contrived design to get the level of affordable housing down. There was a great need in Cheltenham for more affordable housing. He was concerned that the children's play area was in the flood zone.

Councillor McCloskey was happy to support the application as it related to access only but she too was concerned about the low level of affordable housing and the play area being overlooked and sited next to the sports hall which was open to the general public. She was concerned that users of the sports hall could be driving through the development early in the morning and late in the evening and causing disturbance to residents.

Councillor Fletcher was happy with the proposed density of the development of 33 dwellings per hectare (dph), as she thought the quality-of-life for residents was important. She had some concerns about the design and thought the layout needed more thought, particularly the frontage.

In the debate that followed, members raised similar concerns about the low level of affordable housing and thought this needed to be addressed in the next stage of the process. They pointed out that it was a level site with no contaminated land and therefore it was not a difficult site to develop which should keep costs down. Councillor Walklett presented some figures which suggested that Cheltenham had lost out on the potential for a hundred affordable homes over the last three meetings of this committee. Councillor McKinlay felt that the level of affordable housing could be easily increased by increasing the density of the site. He felt the number of houses could be increased to 100 without any significant effects and he was concerned that agreeing the outline proposal might rubberstamp the 85 properties proposed. Councillor Garnham referred members to para 6.6.1 of the report which clarified why the number of 85 had been indicated at this stage as it triggered a requirement for affordable housing. Councillor Godwin felt that committee should not criticise the proposed density which in his opinion supported gardens of a reasonable size, better amenity areas for children and generally more elbow room for residents. He questioned whether the committee had a clear understanding of the definition of affordable housing and asked for an explanation from officers.

There was some discussion about the height limit suggested by Councillor Garnham. Councillor Whyborn suggested that there were quite a lot of three-storey properties in that area so he would encourage this if it enhanced the economics of the development.

Councillor Thornton raised a concern that the access to the site would come out on the zigzags of a pedestrian crossing. She did not think it was appropriate to move the pedestrian crossing and therefore asked the highways officer to comment on whether the access was appropriately sited and why a centralised access was not possible. She suggested that parking courts were not generally popular with residents who preferred to park outside their own property for ease of use particularly with heavy shopping.

The Planning Officer advised that although there was an overall target of 40% of affordable housing, it was important to assess every case on its merits. In this case, the approach set out in the NPPF had been followed and an independent assessment had determined a viable level of affordable housing of 20%. As this was only an outline application, a different mix may come forward at reserved matter stage so there would be an opportunity for members to reassess it. There were particular difficulties with this site as it was bounded by footpaths. Officers considered that the density of 33 dph was within the realms of acceptable limits and not overly low. However there was the option for the committee to add an informative if they felt the density should be higher. Similarly the figure of 85 dwellings was only indicative at this stage and could be reassessed. Regarding the building height, she understood that the intention was for a mix of 2 and 2.5 storey buildings within an area which was generally two-storey. She felt it would be a shame to limit the design at this stage. She advised that the play area was in a reasonable location where it linked with

other facilities likely to be used by children such as the sports hall. An informative could be put in to comment on the positioning of the play area if members felt this was an important issue. The loss of some sporting facilities had been mitigated by the supply of other facilities on land owned by the developers and therefore she did not think it was necessary to add any further conditions. With regard to the access for the site this had been negotiated with the highways department.

The Highways Officer, Mark Power, advised that the access had already been moved in the plans to a safer location away from the bridge and existing junctions. Two local councillors had been keen to retain the pedestrian crossing in its current position and in his opinion it was acceptable for the access to come out onto the zigzags of this crossing.

Head of Planning, Tracey Crews, informed members that officers were currently working on amending the definitions for affordable housing which would include social rented housing and these would be circulated to members shortly. In the meantime, the NPPF offered the most up-to-date guidance.

Members were concerned that future plans for this site should be brought back to this committee and requested that this be noted in the minutes. The planning officer reminded members that it was in the remit of any member of the council to refer the matter to Planning Committee.

The Planning Officer summarised her understanding that members were generally supportive of the scheme but were concerned about the density and the level of affordable housing and the informative will be reworded to take this into account.

Vote taken on the officer recommendation to permit

11 in support

2 in objection

2 abstentions

PERMIT

7. 13/00800/FUL LAND AT CRABTREE PLACE

Councillor Driver left the room for this item having declared an interest.

The Planning Officer, Michelle Payne, introduced the report regarding the proposal for the construction of 56 residential units including 24 affordable units and associated works. The officer recommendation was to permit the proposal.

Public Speaking:

There were no public speakers.

Member debate

Councillor Fletcher supported the application but was concerned that there seemed to be lots of loose ends which needed tidying up including a number of highways issues. She questioned why these have not been resolved before coming to committee.

Councillor Walker applauded the work done by the council and Cheltenham Borough Homes on the St Pauls development to date. He supported this application but echoed the comments of Councillor Fletcher.

In response the Planning Officer acknowledged that there were lots of conditions prior to occupation but she would expect all these to be resolved. Asked for his comments, the highways officer advised that it was common to have pre-commencement conditions as these all needed time to be resolved.

Vote taken on the officer recommendation to permit

14 in support - unanimous

PERMIT

8. 13/00605/FUL 13 LANSDOWN PLACE

The Planning Officer, Chloe Smart, introduced the report regarding the proposal for the erection of a single new dwelling to the rear of the existing building facing Lansdown Place Lane. The application had been brought to Planning Committee due to concerns from Councillor Driver. The Planning Officer highlighted the fact that this was a revised scheme following the dismissal of the application in 2010. The design had subsequently been significantly amended but there remained an objection from the Heritage and Conservation officer. Planning Officers had however considered the proposal to be acceptable on balance and therefore the officer recommendation was to approve the application subject to a number of conditions.

Public speaking:

Mr Simon Firkins, applicant's adviser, in support

Mr Firkins explained that the application in 2010 proposed a traditional coach house design. The principle of a new dwelling was accepted, as was parking, although the Inspector dismissed the appeal on design grounds and for overlooking between the coach house and an apartment within 13 Lansdown Place. He explained that the issue of overlooking had been addressed by having both bedrooms to the front facing Lansdown Place Lane, with the only window in the rear elevation at first floor serving a bathroom. As such no overlooking would occur. A site section also showed that there was no loss of light to apartments in no. 13.

Mr Firkins reported that in terms of design, the building was overtly contemporary, similar to many other coach houses that have been constructed to the rear of listed buildings in the conservation area –examples of some those had been provided in a short letter earlier this week. Whilst each proposal was to be judged on its merits, they felt these were useful to show similar successful situations. Two rounds of revisions had been submitted in line with officer's requests. These were detailed in the report, with the main changes being: repositioning the dwelling to line up with the rear wing of no. 13; altering the fenestration and detailing to provide a vertical emphasis; the change of material from render to brick.

Mr Firkins explained that following English Heritage's comments the previous day, the boundary wall had been moved so it is an extra 1.7 metres away from No. 13. This further minimised any impact on the setting of the listed building.

Mr Firkins explained that as members would have seen on planning view, there were a number of 2 storey brick buildings on both sides of Lansdown Place Lane to the rear of Lansdown Place and Lansdown Crescent. Some had pitched roofs; others had flat roofs with parapets like this scheme. In this context the proposal would not be out of place. It would not have an adverse impact on the listed terrace or on this part of the Conservation Area. The brick colour shown on the plans may be a bit dark due to printing quality, but it would not look like that in reality and he offered to submit samples.

No off street parking was provided as the site was in a highly sustainable location close to Montpellier, the Town Centre, public transport routes and the railway station. This had been accepted by an Inspector and officers.

Cycle parking was contained within the private amenity space to the rear and this was covered by a condition. There was no objection from Highways. A concealed bin store was provided at the front of the property.

There had been one letter of comment, which posed a few questions and suggestions rather than objecting to the scheme. The questions were mostly in response to the changes that had been made at the request of officers; changes they felt officers were right to ask for, and which have enhanced the proposal.

Member debate

Councillor Garnham accepted the principle and siting of the development. He recognised that there were concerns from the Heritage and Conservation Officer and in the light of the comments subsequently received from English Heritage he believed the best approach would be for officers to take account of these and work out a design which would fit in with the Planning Committee's role of protecting the character and appearance of the conservation area.

Councillor Driver referred to other developments which had taken place in the same area. Each application should be taken on its merits. She made reference to existing parking problems down that street and if parking was taken away this would cause problems elsewhere. She also expressed concern about the quality of life of residents who were already living in very small flats and particularly those residing in basements. She warned against overdevelopment of areas.

Councillor Fletcher referred to the sound advice provided by English Heritage and said the committee should "listen to the experts". She also recognised the concerns of the Heritage and Conservation officer. She believed that there were other reasons, beyond design to refuse the application and made reference to the advice received from the HMO Division which referred to the fact that the bedrooms, as proposed, appeared to be inner rooms. She was therefore very reluctant to support the application.

Kathryn Sayner, the Heritage and Conservation Officer explained that this application concerned the principal terrace building which was a grade II statutory listed building and the site was wholly within the Central Conservation Area. It was an important backlane containing workshops and garages. The design was in her view poor and in order to comply with the National Planning Policy Framework it should be of high quality to ensure quality development.

The Planning Officer reiterated that having taken account of all responses, including those from heritage and conservation, officers felt that the application should be recommended for approval. The application was a brownfield development, in a highly sustainable location and contributed to the housing supply of the town, albeit on a small scale. With the vertical emphasis of the design the property would sit subserviently to the main terrace.

When asked by Councillor Godwin how the design differed to the one presented in the application in April 2010, the Planning Officer explained that the current application was of a contemporary design whereas the previous one was for a coachhouse. She outlined the concerns expressed on the previous occasion relating to neighbouring amenity, and the obscure glazed window which was visible on the rear elevation. In addition the only outlook in that design was through the rooflight which the inspector had deemed insufficient. The application before members had an obscure glazed window on the bathroom.

Councillor Godwin then asked why the points raised on the current application had not been raised in 2010. In response the Planning Officer explained that the principle of the dwelling had been accepted by the Inspector and by English Heritage in that location. The use was residential and should be looked at in the context of the area. Subdivisions of plots continued along the lane. Changes had been made to the application based on English Heritage recommendations to give more space to a listed building.

Councillor Whyborn said that he was minded to abstain from the vote on this application. He thought the building as a stand alone building was fine, however he took issue with the building fitting in with the listed buildings surrounding it. He recognised however that this was a subjective view.

Vote taken on Councillor Garnham's move to refuse
8 in support
6 in objection
1 abstention

**MOTION WON
APPLICATION REFUSED**

9. 11/01022/FUL MIDDLE COLGATE FARM, HAM ROAD

The Team Leader, Martin Chandler, introduced the report regarding the proposal for the continued use of part of an existing barn as accommodation ancillary to residential accommodation of the farmhouse at Middle Colgate Farm. The matter had been brought to this committee for a decision given the involved history at this site. The officer recommendation was to permit the proposal. He referred members to the additional representation which had been circulated to members at the start of the meeting.

Public Speaking:

Mrs Alice Ross, local resident, in objection

Mrs Ross advised the committee that residents continued to object to the retention and use of the unauthorised living accommodation in this agricultural

barn. She reminded members that in 2008 they had refused an application for established use of the whole barn as a dwelling which was upheld at Appeal in 2009. The Inspector had agreed with the committee that the lawful use of the whole barn was agricultural with no permission for residential use. The property should have reverted to being a barn at that point and this would have been the ideal time for the Borough to enforce removal of the unauthorised accommodation. This did not happen. The applicant did not appeal the decision and so must have known and accepted that there was no certificate of lawful use but despite this allowed his part-time worker to move into the accommodation in May 2010.

She suggested that if the application had been presented to members in 2011 they would have been shocked to find that the unauthorised accommodation was in full use, had been added to and that even council tax was being paid in blatant breach of the committee's and the Inspector's decision. She questioned why in 2013, the officer recommendation was now to approve the application, one of the reasons being that the accommodation will just be for occasional overnight stays or storage. She advised members that this was incorrect and Mr Stanley had confirmed to local residents that it was his worker's home and he intended the worker to continue living there full-time. She also challenged the statement that as the use has continued for nearly 4 years, it was virtually established. She felt this was misleading and only worked if the occupant had managed not to be found out. As officers would be aware, local residents over the years had been in constant touch with them about this matter. If members were minded to approve the application, on behalf of local residents she requested that the following conditions be placed on the permission:

- i. The ancillary dwelling or its plot to remain ancillary and not to be sold independently of the main house
- ii. An agricultural occupancy condition to be imposed on the ancillary dwelling as with the main house

She felt the second condition was very important in order to retain the agricultural link as the recommendation to approve seems to them tantamount to rewarding bad behaviour with the prize of an unrestricted AONB residential planning permission. At some point in the future they could see the barns being demolished and a charming new house erected on the residential footprint.

Mr Simon Firkins, applicant's adviser, in support

Mr Firkins acknowledged that the officer report was detailed and clearly set out what had been quite a long planning history at this site. This application dated from 2011, and was submitted in direct response to the advice and recommendation of officers at that time. Other applications since, as outlined in the report, were also submitted on the written advice of then officers.

The original refusal of a certificate of lawful development was handled by other consultants. Since that time they had been seeking to resolve this situation for the applicant. This has included many meetings with officers and dealing with their suggestions in respect of the various applications that had been submitted.

Considering the history of the site, and the fact that it was accepted that the use of part of the barn (the part to which this application relates) had been for independent residential purposes since at least 2004, the proposal before members to use this area for ancillary accommodation was very logical. It

would clarify the use of the space and ensure that occupation was ancillary to the main house.

He advised that the applicant just wanted the matter resolved. As well as the applications that had been made, the provision of the internal wall also followed officer advice (albeit some officers are no longer with the Council). In addition, the applicant had been paying Council tax on the property for years.

Alongside this, planning policy concerning the re-use of rural buildings had changed significantly in recent times. The NPPF was supportive of proposals to re-use buildings of this nature and does not look for commercial or other uses ahead of a residential use. Other changes now allowed the use of rural buildings for many other purposes without planning permission, such as shops, cafes, hotels, gyms, offices etc. These are likely to have far greater impacts than the ancillary accommodation proposed.

Bearing all this in mind, this application would indeed seem to be the right approach, especially as it also involved enhancements to the appearance of the building. They were aware of the objections from some local people, but as the report identifies, these appear to have missed the point concerning what is actually being applied for now.

They hoped members could agree with the recommendation in the report in the hope that a line could not be drawn under this site.

Member debate

Councillor Garnham was concerned that if someone was living in the barn then the building regulations should be fully investigated. It was also important to tie down the ancillary use to the existing farmhouse. In his view a condition on agricultural occupancy for the barn would be a sensible one if the committee was minded to permit the application. This condition on sole occupancy for an agricultural worker was supported by another member who asked for clarification from officers on whether this condition could be applied.

Councillor Fisher reminded members that when they had granted permission for the extension to the farmhouse, conditions had been applied regarding occupancy by agricultural workers and as this barn was ancillary to the main farmhouse, these same conditions would apply to the barn. He expressed concern that there was no fire officer report in the papers. He was concerned about the fire hazard of a wood burning stove in the barn close to other sections of the barn which were used for storing hay, firewood and a motor bike and a quad vehicle. There was also an open wooden staircase to the second floor. He suspected that the current barn did not comply with building regulations and asked whether the applicant would be making it compliant.

Other members supported this concern regarding building regulations and the fire hazard. Councillor Driver considered the property was dangerous and not fit for human habitation and was concerned that the council had insufficient resources to enforce the necessary building regulations.

Councillor McCloskey raised a point of clarification regarding Mr Firkin's comment that the applicant was keen to draw a line under the history of this site. She noted that the applicant had another pending application regarding

property on the site and asked whether this was dependent on the outcome of this application.

Councillor Whyborn requested clarification regarding how the application had reached this position and what was the reason for the change in officer advice to permit?

Councillor Godwin considered it was very important to apply strong conditions which can then be policed by local people and local councillors. He highlighted the chequered planning history of this site and was concerned that this application was the thin end of the wedge and urged caution.

In response to these points, the Team Leader explained that the application in 2009, which had been dismissed by this committee and at appeal, was a very different application to the one being considered today. The application then was for a certificate to prove that the residential use of the property had been in existence for a specified period of time.

With regard to building regulations, the Team Leader advised that the Case Officer in this case, Ian Crohill, had spoken to officers in the building control team. Building regulations would apply to this property and current indications were that the barn would not comply. However this was not a valid reason for refusing planning permission now but would prevent the property from being sold on at a later date. Fire safety formed part of the building regulations and therefore were covered in his response. He suggested that if members were particularly concerned and minded to permit the application, they could set out their concerns in writing to the applicant and encourage him to comply with building regulations.

With regard to the suggested condition that occupancy of the barn be restricted to agricultural workers, he advised members that the restriction on the farmhouse for agricultural purposes would automatically apply to any ancillary properties. There was no harm in adding a similar condition to the barn if that was members wish. It would be beyond the remit of this committee to impose any further conditions regarding the occupant having agricultural work as their primary income as Councillor Wheeler had suggested.

With regard to the question about the undetermined application, he advised that he had discussed this with the planning officer that afternoon. Officers were minded to refuse the certificate that had been requested as it cannot be proved that use had been established for the necessary time. However the determination of this application was quite separate to the application being considered today.

Councillor McKinlay indicated that he would be more comfortable permitting the application if building control were notified of their concerns and it was then up to them to take any further action. He was not happy that the agricultural use of the barn accommodation was covered by the main farmhouse as there was a risk that this condition on farmhouse could be changed in the future and he would not want this change to apply to the barn which was clearly for agricultural use.

Councillor Garnham referred members to planning policy which encouraged “high quality design and a good quality of amenities for current and future occupants.” He suggested their concern about the state of the building could supply a reason for refusal on this basis.

In response the Team Leader suggested that it would be preferable to strengthen the first condition in paragraph 8 of the report rather than add an additional condition. If members wanted to give some steer to Building Control, he suggested that they could request the chair of Planning Committee to write to the Building Control team setting out their concerns. He would not want this to become the norm but he considered it was acceptable in this case due to its exceptional nature.

Councillor Fisher moved to refuse the application on the basis that it did not conform with policy CP4 regarding safe and sustainable development. He suggested as an alternative, paragraph 17 in the NPPF previously referred to by Councillor Garnham.

The officer advised members that policy CP4 was concerned with potential harm to users of land adjacent to the property and not the property itself. In his view this would not be reasonable grounds for refusal. He advised members that they could refuse the application on the grounds of paragraph 17 but it was not a strong reason for refusal and could be viewed as unreasonable and he cast doubt on its potential success if it went to appeal.

The chair reminded members that they were currently debating the motion from Councillor Fisher to refuse the application. He asked the solicitor, Gary Spencer, for advice on what would happen to the conditions they had discussed if the vote went ahead on refusal. The solicitor advised that if the vote to refuse was lost, the permission would automatically be granted and therefore members should agree any conditions before they took that vote.

Members agreed that if permission was granted they wished condition 1 to be strengthened regarding agricultural occupancy of the barn and the informatives suggested be in place to raise members concerns about building regulations with the applicant and Building Control.

Vote taken on Councillor Fisher's move to refuse on paragraph 17 of the NPPF

5 in support
8 in objection
2 abstentions

MOTION LOST

APPLICATION PERMITTED

10. 13/00637/FUL BRITISH TELECOM, ORIEL ROAD

The Planning Officer, Chloe Smart, introduced the report regarding the proposal for the installation of 6No. Air conditioning units on the southwestern wing of the roof. The works were required to serve accommodation and telecoms equipment on the second floor of the building. It had been brought to committee

at Councillor Sudbury's request who was concerned about the noise levels. The applicant had submitted a noise survey and Environmental Health had raised no objections. The officer recommendation was to permit the proposal.

Public Speaking:

There were no public speakers.

Member debate

Councillor Fisher expressed his disappointment that the building had not been replaced as it was a magnificent site in a conservation area. As the building was full of servers it seemed a waste of the land and he was disappointed that BT could not be convinced to move out of town. However he accepted that these were not reasons to refuse the application.

Vote taken on the officer recommendation to permit

14 in support

0 in objection

1 abstention

PERMIT

11. 13/00774/LBC CHELTENHAM CEMETERY AND CREMATORIUM

The Team Leader, Martin Chandler, introduced the report regarding the proposed new and replacement signage at the crematorium. The application had been brought to committee for approval as the council was a landowner. The officer recommendation was to permit the proposal.

Public Speaking:

There were no public speakers.

Member Debate

At the request of a member, the committee were shown pictures of the new signage.

Vote taken on the officer recommendation to permit

14 in support

0 in objection

1 abstention

PERMIT

12. 13/00813/FUL LAND ADJACENT TO EAGLE TOWER

The chair announced that this item had been deferred.

13. 13/00965/FUL 28 RODNEY ROAD

The Senior Planning Officer, Emma Pickernell, introduced the report regarding the proposal for the demolition of an existing garage at the rear of 16 Cambray Place and the construction of a new four storey dwelling at 28 Rodney Road. She highlighted that the side elevation of the building comprised metal standing seam cladding which curved over to form the roof of the majority of the building. The officer recommendation was to refuse the application due to the impact on

the listed building and the size and the design of the building. It was being brought to Planning Committee at the request of Councillor Sudbury.

Public Speaking :

Mr Patel, applicant.

Mr Patel explained that the site had many years of family history. The plot occupied by the garage had always been a separate plot as indicated on the 1820 historic map. He had provided the local authority with a copy of legal documents which confirmed that the plot had been sold and registered as a separate piece of land a number of times. Rodney Road was mentioned in the Montpellier Character Area Appraisal which stated that the intense parking and loss of boundary treatments had had a negative impact on the street, downgrading the west side and stating that the east side was less attractive.

The Conservation Officer was concerned that the proposal would have a negative impact on the setting of 16 Cambray Place. However there would be a greater distance between the rear elevation of the proposed building and 16 Cambray Place than that of neighbouring properties. The proximity between the properties north of the site could be seen on the historic map. From the site visit committee members would be aware that the adjacent building at 26 Rodney Road is closer in proximity to 16 Cambray Place than the proposed building. Unlike the neighbouring properties neither of the rear wings of 16 Cambray Place would have any windows that face the proposed building.

Before submitting the application he had discussed the proposal with neighbours and local residents and it had been well received with extremely positive feedback. Their opinion was that the proposal would be an improvement to the quality and appearance of the road. There had be no letters of objection. His view that the development would enhance the appearance of the Conservation Area was supported by the Architects Panel and the Civic Society.

The east side of Rodney Road already had a variety of different buildings with a modern four-storey building adjacent to the application site and the most recent addition under construction is also a modern four-storey building. Both buildings were either adjacent or behind listed buildings.

In his view the site currently had no visual or architectural merit and its redevelopment presents an opportunity to create a new home in a sustainable location making better use of an underutilised site to provide a much-needed additional home to the town. The building was well designed and imaginative and would integrate well with the street scene and the proposed high-quality materials would add interest to this mixed use area. He hoped that the committee members would support this proposal and enable him to build a home that was adaptable for himself and his family to live in for many years.

Member debate

Councillor Stennett explained that he had reservations about this application having seen the site on Planning View due to the space between the existing property and this proposal. He did however accept that the site should be developed. He would prefer to see something mirrored as opposed to the wrapped around effect of this design and to that end he supported the views of the Heritage and Conservation officer and the Planning Officer.

Councillor Wheeler concurred with the view of officers. He took issue with the fact that the roof would consist of plastic clad metal and this would not be in keeping with the neighbouring building. The Senior Planning Officer clarified that there was no suggestion in the application that the metal would be plastic coated.

Councillor Fisher supported the views of the Architect's Panel and the Civic Society and believed this was an ingenious use of the site.

Councillor McCloskey liked the design, which in her view was exciting and innovative. She believed that the harm caused to the listed building was a subjective view and this did not outweigh the benefits that this design would provide. This was in accordance with paragraph 65 of the National Planning Policy Framework.

Councillor Garnham supported the application and believed that residents would be advantaged in terms of having a better outdoor space than currently. The design was exciting in his view.

Councillor Whyborn noted the divergence in the experts' views. He thought the design was appropriate, however did not believe it fitted in with the surroundings and therefore supported the views of the Heritage and Conservation Officer.

Councillor Thornton highlighted that both the Civic Society and the Architects Panel agreed that this application would be an interesting addition to the streetscape and said that the building was at the back of the listed building and therefore not visible from the front. The issue of the curtilage of the garage was a technicality.

Councillor McKinlay noted that there were a number of modern buildings in that area and therefore thought that this was an innovative design which would not be out of place.

Councillor Driver agreed with the officer recommendation to refuse as she took issue with both the colour and the material proposed.

Councillor Barnes also agreed with officers and believed this would not complement the area and would distract from neighbouring buildings but did acknowledge that the design may be appropriate in a different location. In addition he believed that access alongside the property for residents of the listed building to the shared garden would be miniscule. He therefore was of the view that whilst it was a viable area for development, the property proposed should be in better proportion to the rest of the buildings and not obscure them.

The Heritage and Conservation Officer explained that in addition to her comments outlined in the report she wished to highlight the following: The land concerned was a wedge shape and not parallel to the setting of the listed building. There would be a decreased area for the back gardens of number 16 Cambay Place which had a long rear wing. The principle of a contemporary design in historic settings was not an issue. However in terms of the character of Rodney Road rear plots tended to be front elevations and rear elevations and

blank sides. The proposed building would have a very prominent side elevation with oblique views. She noted that the building next door was very large and unusual but it had front and rear elevation and bank sides. She also highlighted the relationship between the barrow vault roof and the roof line of the new building. The space of the site would be cramped and in her view it was not the right building for the site.

The Senior Planning Officer clarified that if members were minded to approve the application it should seek delegated approval to agree on appropriate conditions. He also clarified that the proposal did not include 'plastic clad metal' but instead standing seam metal.

Vote taken on officer recommendation to refuse

8 in support

6 in objection

1 abstention

MOTION WON

APPLICATION REFUSED

14. 13/01020/FUL CEYLON HOUSE, PRINCESS ELIZABETH WAY

Councillor Driver was absent for the rest of the meeting having declared an interest in any issues relating to Cheltenham Borough Homes.

The Senior Planning Officer, Emma Pickernell, introduced the report regarding Ceylon House, Princess Elizabeth Way, Cheltenham. The proposal was for a new external soil stack to replace the existing internal pipes. The matter had been brought to committee since it was a council owned site. She explained that an identical request was being made for the subsequent 4 applications on the agenda.

As there were no questions or comments from members, the chair moved to a vote and advised that a separate vote would be held on each of the subsequent applications.

Vote taken on the officer recommendation to permit

14 in support unanimous

PERMIT

15. 13/01021/FUL DURBAN HOUSE, PRINCESS ELIZABETH WAY

The proposal was for a new external soil stack to replace the existing internal pipes.

Vote taken on the officer recommendation to permit

14 in support unanimous

PERMIT

16. 13/01022/FUL NEW ZEALAND HOUSE, PRINCESS ELIZABETH WAY

The proposal was for a new external soil stack to replace the existing internal pipes.

Vote taken on the officer recommendation to permit

14 in support unanimous

PERMIT

17. 13/01023/FUL AUCKLAND HOUSE, PRINCESS ELIZABETH WAY

The proposal was for a new external soil stack to replace the existing internal pipes.

Vote taken on the officer recommendation to permit

14 in support unanimous

PERMIT

18. 13/01026/FUL RHODESIA HOUSE, PRINCESS ELIZABETH WAY

The proposal was for a new external soil stack to replace the existing internal pipes.

Vote taken on the officer recommendation to permit

14 in support unanimous

PERMIT

19. 13/01055/FUL 3 WOODGATE CLOSE

The Senior Planning Officer, Emma Pickernall, introduced the report regarding the proposal for a single storey rear extension and two-storey side extension including a single storey link to the garage. The officer recommendation was to permit the proposal.

Public Speaking:

Dr Julian Richards, neighbour, in objection

Dr Richards said the key determining factors for their objection was the visual impact, impact on neighbouring properties and the impact on parking availability.

Regarding precedents, he did not consider that the earlier conversion of the garage to living accommodation at No.7 was a relevant precedent since the integrated garage was a constituent element of the original build and there was no change to the front elevation or dimensions of the property. The proposed plans for no.3 represented a new precedent of linking a detached garage to the house, with a flat roof for the linking portion. This would be an architectural development not in keeping with the existing builds in the close, where all rooflines are of pitched design, and could lead to a number of similar applications. The design and layout also represented a new precedent in terms of its being subservient to the main ridge line and front elevation, in two respects and he went on to give details. He highlighted a further factual error in paragraph 1.2 of the report which described the existing single storey portion of no.3 as an extension which was in fact part of the original build of the property.

He went on to comment on the size of the proposed development. Whilst individual parts of the plans were described as "modest" by the planning officer, he challenged the view that the original combination of the separate

components of the plan can be described as modest, since the plans represented an increase in the footprint of no.3 by a substantial percentage. The position of the property in a prominent position as one enters the close would mean that it would have a high visual impact on the general architecture in the close. The size and close proximity of the wall to the boundary of the house at no.1, and the angle at which the two neighbouring properties were aligned, would mean that an extended no.3 would have a somewhat squashed in appearance and would structurally affect the street scene. This was something that Woodgate Close and most of its residents do not want to see and the parish council, amongst others, was particularly adamant about this point. It was also worth noting that previous applications for extensions around the close had not generated anything like the level of disquiet in the neighbourhood that has been generated by this application.

He also challenged the judgement that the plans would not have a harmful impact on light at the neighbouring property at no.1, since the readings had been taken in high summer. The situations in other seasons would be very different, especially as the side extension is only just within the minimum distance of 0.9 m from the boundary line, and rises up just a few metres away from the side of no.1 to its southeastern corner.

Mr Andrew Davis, the applicant in support.

Mr David said that a number of councillors had been lobbied by local residents to call the original proposal into Planning Committee. However, the request for this to go to committee was subsequently withdrawn following the submission of their revised plans. He understood it had been brought to committee tonight as a result of an objection from the Parish council.

As the newest residents of Woodgate Close, having moved in only a few months ago, he appreciated that many people do not like change, especially when they have lived in their house for many years. However, there were a number of good reasons why they had decided to apply for planning permission to extend their house, which had not previously been extended. Mr Davis explained that he was a home worker and needed the extra space for his office and he was keen for each of his three young sons to have their own bedroom. The link to the garage was a practical consideration to improve the amenity and would not be visible from the road at the front of the house and therefore, would not affect the street scene.

He had taken account of his neighbours concerns (and others who didn't live in Charlton Kings) and as a result had removed the room over the garage in the plans. He was pleased that the planning officer had recommended that permission be granted for this development so they could benefit from extending their home like many of their neighbours had already. He hoped his neighbours could now accept the planning officer's recommendation. The reason for the application was to future proof his house and to provide a long-term home for his family due to their desire to stay in Charlton Kings.

Member Debate

Councillor McCloskey suggested that a condition should be added to ensure that the parish council has sight of the building materials before commencement

so they could satisfy themselves that the material would blend in with existing buildings.

Councillor Fisher suggested that permitted rights should be removed on the property as there would be little room for any further development on the site if this proposal was accepted.

Councillor Garnham commented on the angular nature of the site and the proximity of the extension to the neighbouring property at No 1 and questioned whether it complied with light tests for that property. He noted the loss of garden but accepted that that was an issue for the applicant and not for this committee.

In response the planning officer advised that the light tests carried out had assessed the general daylight at the adjoining property and she confirmed that the scheme did comply with the test results. She advised that it was not appropriate to withdraw permitted rights for the property as this would introduce an unnecessary level of control. Under the new development rules for extensions there was a procedure which could be applied regarding materials but in her opinion it would not be justified in this case.

Vote taken on the officer recommendation to permit

12 in support

1 in objection

1 abstention

PERMIT

20. ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION

There was no urgent business.

Chris Coleman
Chairman

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APPLICATION NO: 13/00813/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 21st May 2013	DATE OF EXPIRY: 16th July 2013
WARD: College	PARISH: None
APPLICANT:	Halebourne Developments Ltd
AGENT:	Mr Clive Petch
LOCATION:	Land adjacent to Eagle Tower, Montpellier Drive, Cheltenham
PROPOSAL:	Erection of three storey building to provide 5no. apartments (2no. one bed units and 3no. two bed units)

RECOMMENDATION: Permit



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1. DESCRIPTION OF PROPOSAL

- 1.1 This is a full application for the erection of a three storey building to provide 5no. apartments (2no. one bed units and 3no. two bed units) on a site within the Eagle Tower office complex.
- 1.2 The application is before planning committee at the request of Cllr Sudbury who “would like the issues around the suitability of the site to be developed as housing to be discussed at committee, as well as the design, relationship with the objector’s property – particularly the boundary – and any related amenity issues”.
- 1.3 The application was deferred from last month’s committee meeting to allow the Trees Officer’s concerns to be addressed.
- 1.4 Members will have the opportunity to visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints

Conservation Area
Core Commercial Area
Smoke Control Order

Relevant Planning History

08/01693/FUL

PERMIT

12th May 2009

Alterations to fourth floor and construction of new fifth floor to provide 3no. residential units together with an extension at basement level to provide car parking spaces for the new residential units, and associated works

10/01749/FUL

PERMIT

19th April 2011

Change of use and extension of existing Annexe building (Use Class B1) to provide 13no. residential apartments (Use Class C3)

12/00393/TIME

PERMIT

12th April 2012

Application to extend the time limit for implementation of planning permission ref. 08/01693/FUL for alterations to fourth floor and construction of new fifth floor to provide 3no. residential units together with an extension at basement level to provide car parking spaces for the new residential units, and associated works

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
HS 1 Housing development
RC 6 Play space in residential development
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Play space in residential development (2003)
Montpellier character area appraisal and management plan (2007)

4. CONSULTATIONS

HMO Division

3rd June 2013

I have no fundamental objection to this proposal.

Architects Panel

20th June 2013

2. Is the information sufficient to understand the application?

Yes

3. Context.

The scheme doesn't appear to make much consideration of the adjoining building uses.

4. Massing and Scale

The proposed density looks fine.

5. External Appearance.

The building doesn't have a very residential appearance and the elevations closest to the boundary are particularly poor.

6. Detailing and Materials

No comment

7. Environmental Design.

There appears to be little real consideration towards sustainable design.

8. Summary

If this site is to be developed the proposal should better relate to the site.

9. Recommendation

We would not support the application in its current form.

Cheltenham Civic Society

20th June 2013

We consider that the elevations should be simpler. The emphasis of the vertical is not right in a building of this scale.

Heritage and Conservation

3rd July 2013

1. This application site does not seem to be an obvious residential site. It does not have any merit in terms of creating a focal point or good public realm. However whilst the principle of developing the site does not enhance the character or appearance of the conservation area, neither does it harm either the character or appearance of the conservation area. Given the problem with the shortfall of housing within the

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Cheltenham area, the principle of this site for residential development would appear to be difficult to resist. However please note that whilst the principle of developing the site may not harm the conservation area, it does not necessarily follow that the detailed design of a new building will automatically also not harm the conservation area.

2. Therefore I accept the principle of the development of this site for residential use, subject to the detailed design of the new building.
3. Whilst this new building will certainly affect the setting of the adjacent Edwardian house (8 and 10 Montpellier Parade), it would be difficult to argue that the impact of the new building will harm the setting of the Edwardian house with the large Eagle Tower looming over the area.
4. However I do have concerns about some aspects of the proposed detailed design. The proposed form, mass, height and proposed materials are all acceptable but the proportions of the east elevation are of concern and so is the absence of any meaningful soft landscaping proposals.
5. The proportions of the east elevation are too vertical, and this vertical effect is emphasised by the vertical proportions of each window light and the swept eaves of the roof.
6. It is recognised in Section 7 of the NPPF that the “Government places great importance to the design of the built environment. Clause 60 of the NPPF states Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”.
7. It can certainly be argued that the predominant local distinctive style in this part of Cheltenham is high quality Regency architecture, set in tree lined street and lushly planted gardens and public parks. Whilst the Eagle Tower building is the physically largest building in the town, its 1960s architecture is not predominant in the area. One of the key elements of Regency architecture is the excellent balance of vertical and horizontal elements and features which together combine to give good proportions and balanced elevations in harmony.
8. I do not object to the modern/contemporary style of the architecture, but modern architecture can be as well proportioned and as balanced as Regency architecture and unfortunately the design of the east elevation of this modern building has poor proportions and a poor setting with no landscaping of any significance. It does not promote or reinforce local distinctiveness and therefore fails to comply with clause 60 of the NPPF.
9. It also fails to comply with CP7 of the Local Plan which states that development will only be permitted where it is of a high standard of architectural design and complements and respects neighbouring development and the character of the locality.
10. It also fails to comply with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Trees Officer

9th August 2013

The Tree Section objects to this application due to the proximity of the trees on the adjacent site and the impact upon the proposed development. No information has been submitted in

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relation to the trees in the neighbouring property (3 x Lawson cypress and a group of Leyland cypress) and these trees should have taken into consideration during the design process.

There is currently in an incompatibility between the layout and the adjacent trees in that the proposed end use of the space has not taken the trees into consideration i.e. the impact that the trees will have on the courtyard and the proposed single storey units, with regard to year round leaf litter and lack on sunlight and daylight as the three storey building will block morning light into the courtyard and the trees will block afternoon and evening light, which will be worse in the winter months due to the lower angle of the sun. These trees have the potential to become very large (25m+) and therefore taking all of the above into account there is likely to be considerable pressure on the owners to prune or remove by future occupants.

The following information needs to be submitted and considered by the Tree Section before a decision is issued;

- Tree Survey to BS5837:2012
- Shade analysis to BS5837:2012 - to include current and ultimate height and spread
- Arboricultural Impact Assessment to BS5837:2012 - to include species characteristics including density of foliage, leaf litter etc and how it would be likely to affect the potential land use or living conditions including the effect of the tree on daylight and sunlight. Whilst either shade or sunlight might be desirable, depending upon the potential use of the area affected the design should avoid unreasonable obstruction of light (see also shade analysis and 5.2.1 and 5.2.2 of BS5837:2012)

All of the above need to be assessed by a suitably qualified arboriculturalist.

The following comments were made following the submission of revised plans:

Architects Panel

9th August 2013

2. Is the information sufficient to understand the application?

Yes

3. Context.

The scheme doesn't appear to make much consideration of the adjoining building uses.

4. Massing and Scale

The proposed density looks fine.

5. External Appearance.

The changes to the external appearance and the incorporation of balconies appear to be an improvement although we would still like to see a higher quality design.

6. Detailing and Materials

No comment

7. Environmental Design.

There appears to be little real consideration towards sustainable design.

8. Summary

If this site is to be developed the proposal should better relate to the site.

9. Recommendation

Although the changes are an improvement we could not support the application in its current form.

Trees Officer

5th September 2013

I confirm that the Tree Section no longer has any objections (subject to condition) to the revised drawings 21307/02D and 21307/03E as this layout is now taking into consideration the impact that the adjacent trees will have on this development.

There will still be an impact from loss of light but as it is mainly to the proposed bedrooms this is considered more acceptable. The main living area now has an alternative light source to the east side of the building. Leaf litter is likely to be an on-going issue, therefore please attach the following condition to help mitigate this issue;

TRE09B - Submission of leaf guard details.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 20 neighbouring properties. In addition, two site notices were posted, and an advert published in the Gloucestershire Echo. In response to the publicity, two letters of objection have been received from the residents of no.10 Montpellier Parade.
- 5.2 The letters have been circulated in full to Members however the main objections relate to:
- Visual impact
 - Overdevelopment
 - Loss of privacy
 - Traffic/parking

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main considerations when determining this application are design and layout, impact on the conservation area, impact on neighbouring amenity, and highway safety.

6.2 The site and its context

6.2.1 The application site is a redundant storage yard/area within the Eagle Tower office complex. The 13 storey Eagle Tower and associated buildings date from the late 1960's and are not listed however the site is located within the Montpellier Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area.

6.2.2 In May 2009, planning permission was granted for alterations to the fourth floor and the construction of new fifth floor to Montpellier House, a four storey office building immediately north of the Eagle Tower. The application proposed the provision of 3no. residential units together with an extension at basement level to provide car parking spaces for the new residential units, and associated works. The time limit for the implementation of this permission was recently extended until April 2017.

6.2.3 In April 2011, planning permission was granted for a change of use and extension of the existing Annexe building to the south of the site to provide 13no. residential apartments with basement car parking; these works are nearing completion. A current application is seeking planning permission for the provision of an additional apartment within a former plant room at lower ground floor level.

6.3 Design and layout

6.3.1 Local plan policy CP7 requires all new development to be of a high standard of architectural design; to adequately reflect principles of urban design; and to complement and respect the character of the locality.

6.3.2 Following the submission of revised plans, officers consider that the design, scale and layout of the proposed apartment building are now suitable for this location. A contemporary approach has been taken with a simple palette of materials. The elevations would be through-colour render and ceramic panels, with grey powder coated aluminium windows and doors, and a dark grey single ply membrane roof covering. To ensure that the detailed design would be of a sufficiently high standard in order to provide a quality building which sits well in its context, a condition is suggested requiring additional design details to be submitted prior to the commencement of development for due consideration.

6.3.3 In response to the concerns raised by the Architects' Panel, Civic Society, and Heritage and Conservation Manager, glazed balconies have been introduced to the principal elevation to give a horizontal emphasis to the building, resulting in a more residential appearance. Such a horizontal emphasis also reflects the strong horizontal emphasis of the original annexe building which has been maintained. The Heritage and Conservation Manager has verbally confirmed that the revised drawings are now acceptable.

6.3.4 The most significant revision to the scheme has come about as a result of concerns raised by the Trees Officer. There are a number of trees in the neighbouring garden in close proximity to the site boundary which had not been adequately taken into account during the design process. As submitted, the two ground floor units had rear wings with the only outlook from the kitchen/living/dining area onto central courtyards which would have been significantly affected by year round leaf litter and a lack of sunlight and daylight. Given that the adjacent trees have the potential to become very tall, it was felt that such a layout would be likely to result in considerable pressure on the owners to prune or remove the trees by the future occupiers of the flats.

6.3.5 In an initial attempt to overcome the concerns raised by the Trees Officer the rear wings were combined to try to create a more open outlook from the living spaces onto courtyards which would be less overshadowed by the building and adjacent trees.

6.3.6 Further revisions were made however in response to an Arboricultural Report commissioned by the applicant on the advice of the Trees Officer. In the latest revised plans, the kitchen/living/dining areas have been relocated to the front of the building with outlook to the east; the rear wings would now accommodate bedrooms which open out onto the courtyards. This revised layout has successfully overcome the concerns of the Trees Officer subject to a condition requiring leaf guards being installed to the guttering and down pipes to reduce tree-related nuisance for the future occupiers.

6.3.7 The proposal is therefore considered to accord with the objectives of local plan policy CP7.

6.4 Impact on neighbouring property

6.4.1 Local plan policy CP4 advises that development will only be permitted where it would not cause harm to the amenity of adjoining land users and the locality.

6.4.2 The building has been designed with a mono-pitch roof so that its eaves height to the rear, where it faces no. 10 Montpellier Terrace, would be at the lower height of 7.4 metres. Given that this elevation would be approximately 4.5 metres from the existing boundary wall and well in excess of 21 metres from the rear elevation of no.10, with the exception of the single storey element, officers do not consider that the building would have any significant or unacceptable impact on the amenity of this neighbouring property in terms of outlook or daylight.

6.4.3 Furthermore, the windows to this rear elevation could be reasonably conditioned to be obscurely glazed to prevent any overlooking or loss of privacy given their proximity to the site boundary. It should be noted that this elevation would also be well screened by the existing trees.

6.4.4 In addition, the windows in the side elevation facing the apartment building to the south, which would have been just 13 metres from the rear windows in this neighbouring building, have been omitted.

6.4.5 Therefore, the proposal is considered to be in compliance with local plan policy CP4.

6.5 Access and highway issues

6.5.1 The application proposes five car parking spaces within the application site and this level of car parking is considered to be wholly appropriate given the highly sustainable nature of the site within this town centre location. Cycle storage would also be provided within the site.

6.5.2 Vehicular access to the site will be via the existing Eagle Tower car park, which has its entrance located on Montpellier Drive, and an exit onto Montpellier Parade.

6.5.3 Conditions are suggested requiring the car parking and cycle parking facilities to be completed prior to the first occupation of the development and to be kept available at all times to ensure that parking facilities continue to be available within the site.

6.6 Other considerations

6.6.1 As with all new residential development, provision for play space would be required to meet the requirements of local plan policy RC6. Whilst on-site play space provision is not feasible in this location, policy RC6 envisages a commuted sum in order to achieve its requirements and it is considered that this matter could be adequately dealt with by way of a condition

6.7 Conclusion and recommendation

6.7.1 In summary, the proposed apartment building is considered to be of a suitable design, scale and layout for this location, and would not result in any unacceptable harm to neighbouring amenity or highway safety.

6.7.2 The recommendation therefore is to grant planning permission subject to the following conditions:

7. SUGGESTED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with Drawing No. 21307/01B received by the Local Planning Authority on 14th August 2013 and Drawing Nos. 21307/02D and 21307/03E received on 3rd September 2013.
Reason: To ensure the development is carried out in strict accordance with the revised drawings, where they differ from those originally submitted.
- 3 Prior to the commencement of development, an annotated elevation with a detailed specification of all external materials and finishes (including all windows and external doors) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 Prior to the commencement of development, details of the proposed balconies to include the balustrade and glazing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 5 Prior to the commencement of development, a detailed scheme for landscaping, tree and/or shrub planting and associated hard surfacing (which should be permeable or drain to a permeable area) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify species, density, planting size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or completion of the development, whichever is the sooner.
Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.
- 6 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.
Reason: To ensure a satisfactory relationship of the proposed building with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living, and design.
- 7 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.
Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.

- 8 Prior to the commencement of development, a scheme for the storage of refuse and recycling facilities to serve the proposed dwelling(s) (including appropriate containers in accordance with adopted Supplementary Planning Document - Waste Minimisation in Development Projects) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.
Reason: To ensure adequate provision and availability of refuse storage and to facilitate recycling in accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.
- 9 Prior to the first occupation of the development, full details of leaf guards for the guttering and down pipes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.
Reason: To reduce levels of tree-related inconvenience experienced by residents during the occupancy of the development.
- 10 Prior to the first occupation of the development, the car parking area shall be completed and marked out in accordance with the approved plan(s). The car parking area shall thereafter be retained in accordance with the approved plans and kept available for use as car parking.
Reason: To ensure adequate car parking within the curtilage of the site in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 11 Prior to the first occupation of the development, the cycle parking provision shown on the approved plans shall be completed in all respects and thereafter kept free of obstruction and available for the parking of cycles only.
Reason: To ensure adequate provision and availability of cycle parking in accordance with Local Plan Policy TP6 relating to parking provision in development.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order) the upper floor windows in the rear (west facing) elevation shall be glazed with obscure glass and shall be maintained as such thereafter.
Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

INFORMATIVE

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, the authority sought revisions to include the provision of balconies to the principal elevation to secure a more residential appearance to the building, and a revised ground floor layout to overcome tree related concerns.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

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APPLICATION NO: 13/00813/FUL		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 21st May 2013		DATE OF EXPIRY : 16th July 2013	
WARD: College		PARISH: NONE	
APPLICANT:	Halebourne Developments Ltd		
LOCATION:	Land adjacent to Eagle Tower, Montpellier Drive, Cheltenham		
PROPOSAL:	Erection of three storey building to provide 5no. apartments (2no. one bed units and 3no. two bed units)		

REPRESENTATIONS

Number of contributors	2
Number of objections	2
Number of representations	0
Number of supporting	0

10 Montpellier Parade
Cheltenham
Gloucestershire

Comments: 14th June 2013
Letter attached.

Flat 2
10 Montpellier Parade
Cheltenham
Gloucestershire
GL50 1UD

Comments: 14th June 2013
Letter attached.

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Cheltenham Council Environment Group			
PASSED TO			
REC'D	12 JUN 2013		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

Sultan's Gate
10 Montpellier Parade
Cheltenham
GL50 1UD

Miss Michelle Payne
Planning Officer
Cheltenham Borough Council
PO Box 12, Municipal Offices
Promenade
Cheltenham
GL50 1PP

10th June 2013

Dear Miss Payne

Re: 13/00813/FUL: Proposal: Erection of three story building to provide 5 no apartments at land adjacent to Eagle Tower, Montpellier Drive, Cheltenham.

I write to make comment regarding the above application. As the closest neighbour to the site I am concerned that the application has been forwarded without any consultation or consideration regarding the impact on my property, an Edwardian house built in 1889, which is not referred to in the application.

The proposal appears to take little notice of the Conservation Area whose purpose is being eroded by modern buildings which detract from the pleasant Regency, Edwardian and Victorian houses in Montpellier and for which Cheltenham is well known.

The development on 10 flats on Montpellier Terrace and the 14 flats now in construction are more than sufficient development for the small site. Planning consent has also been granted for two stories to be erected on the north tower (Montpellier House) which may result in 20 further flats; a total of 44 new properties before permission is granted for the proposed development in the yard. I submit that the site is already full and any further development of the site will be overly cramped.

With 44 new homes on the site I am concerned regarding the extra traffic and subsequent parking problems should permission be granted for more homes. Montpellier Parade and Montpellier Drive suffer from heavy use and with cars parked along both sides of the road pose a problem to drivers and pedestrians alike. The 'storage yard', which has been granted temporary permission for use as a builders compound should be returned to its previous state. The 'yard' has previously been used for waste storage, delivery space and parking and this will be lost should the land be further developed. Large delivery trucks, emergency services and service vehicles use this space for turning and this will be lost causing more congestion on a packed site. Although there will be vehicular access to the proposed site any extra traffic in this area will cause congestion and road difficulties.

The application proposal may be one floor lower than the apartments to the south but the visual impact from the west and my property will be overwhelming. The proposed property will face my Edwardian house and will be visible from every door and window with the inherent loss of privacy. This will severely impact on my life and lifestyle. The courtyards and single story proposal appear to butt my garden wall, the buildings being obviously taller and unsightly when viewed from my property; again there will be loss of privacy both inside and outside the house and garden. The amenity of my property and lifestyle will be severely affected by this proposal, which will not be sympathetic to the historical building in which I live.

I therefore wish to object in the strongest terms regarding this proposal.

Yours sincerely



Cheltenham Borough Council Environment Group			
PASSED TO Page 36			
REC'D	12 JUN 2013		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

Flat 2,
10, Montpellier Parade,
Cheltenham,
Gloucestershire,
GL50 1UD

Miss Michelle Payne,
Housing Officer,
Cheltenham Borough Council,
PO Box 12, Municipal Offices,
The Promenade,
Cheltenham,
GL50 1PP

11th June 2013

Dear Miss Payne,

Re: 13/00813/FUL: Proposal: Erection of three storey building to provide 5 no apartments on land adjacent to Eagle Tower, Montpellier Drive, Cheltenham.

I am writing to comment on the above proposal and to object in the strongest possible terms. I live in the top floor of the 19th Century building which is directly affected by this proposed development. There has been no consultation with myself or other local residents. This is inappropriate and has taken no account of our feelings and points of view with regard to the proposal.

Planning permission has already been agreed for 2 stories of flats on the North Tower (Montpellier House,) 10 flats have been built on Montpellier Terrace, (the old Petrol Station,) and 14 flats are under construction currently. Now, a further 5 houses are proposed. This appears to represent approximately 45 – 50 new properties on the sites adjacent to Eagle Tower and is significant overdevelopment. The roads around this area already suffer from a great deal of traffic use and there has been a number of 'near misses', notwithstanding great problems with parking; before adding the 50+ cars likely to exist in the proposed total new flats.

The proposed buildings will have a major impact on the visual aspect of my flat, unimpeded by the current trees. The amenities of the garden, as well as the peace and quiet of this location, will also be materially affected to the detriment of my lifestyle and privacy. The noise of cars will be 24 hours a day all year, as opposed to business hours at present. The noise of the exit gate will similarly be heard over a greater period, disturbing sleep and the peace currently enjoyed. Having houses and gardens abutting my garden wall is a major reduction in my privacy. The comment in the proposal at paragraph 3.3 that '....only glimpse views from Montpellier Parade to the West...' is preposterously inaccurate.

I find it disturbing that the commercial area of Eagle Tower, within the Conservation Area, is being changed to incorporate a significant amount of housing. I wonder whether small local businesses would be allowed to change the use of their buildings if they were in financial difficulties?

In the hopefully unlikely event of this proposal being approved, I would wish to have it confirmed that ALL windows facing west will be opaque glass, as paragraph 7.2 of the proposal is open to misinterpretation.

May I request that this proposal goes to committee so as to allow those most directly affected to be able to state their case to committee members? Thank you.

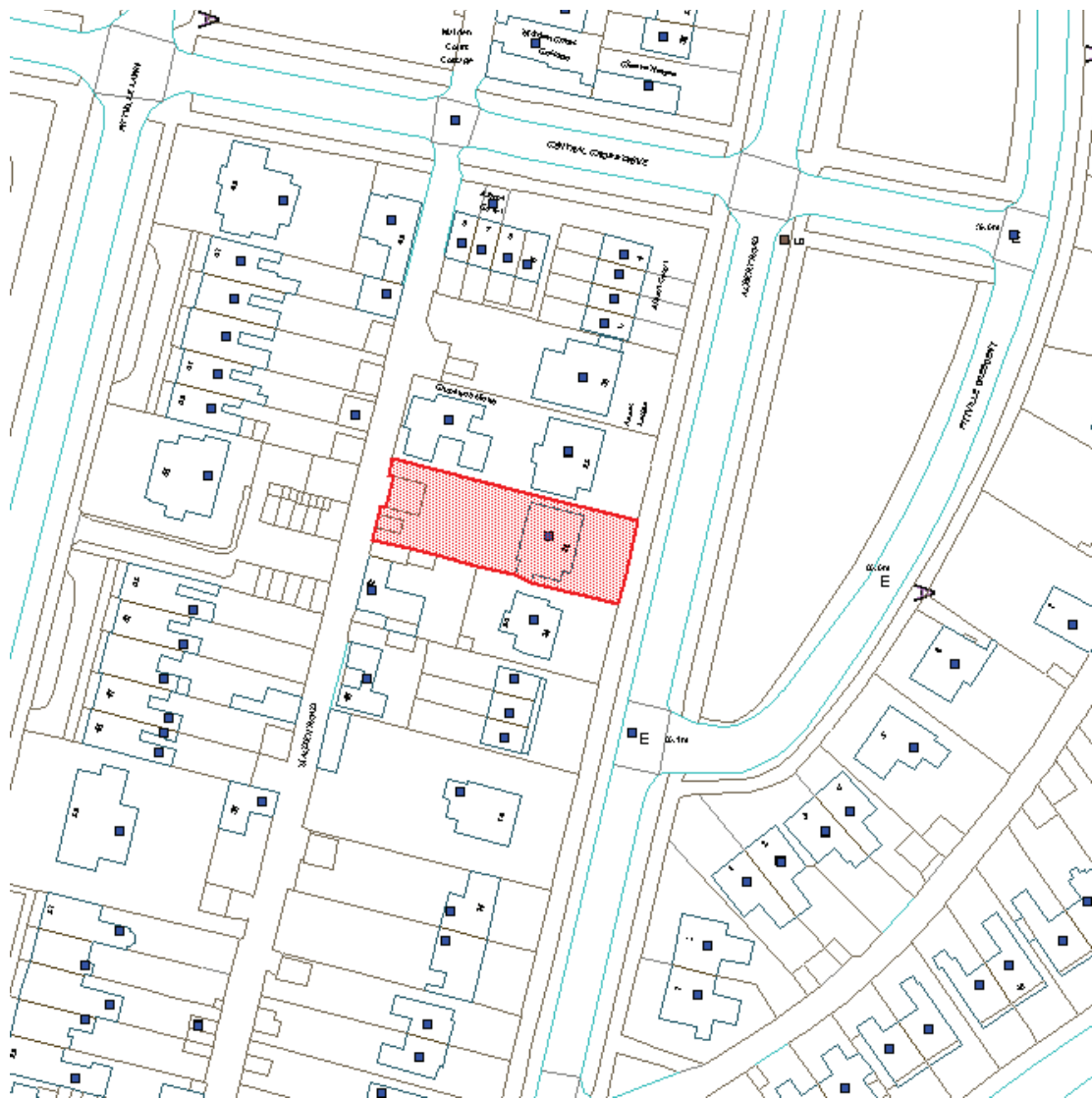
Yours sincerely,



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APPLICATION NO: 13/00921/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 6th June 2013	DATE OF EXPIRY: 1st August 2013
WARD: Pittville	PARISH: None
APPLICANT: Mr A R E Overbury	
AGENT: Mr C Petch	
LOCATION: 26 Albert Road, Cheltenham	
PROPOSAL:	Ground and first floor extensions to existing detached garage to provide first floor ancillary accommodation in connection with existing dwelling, following demolition of existing single garage

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 26 Albert Road is a large detached villa, c1870, located on the west side of Albert Road within the Pittville Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area. The property has a stucco finish beneath a hipped roof and is two storeys with basement. The building is included on the Council's Index of Buildings of Local Importance as a good example of a well designed 19th Century detached house with details and building materials typical of Cheltenham's urban architecture. To the rear of the site, there is an existing double garage, with detached single garage alongside, which are accessed from Malden Road, a service lane which runs parallel to Albert Road.
- 1.2 This is a householder application for extensions and alterations to the existing double garage at the rear, following the demolition of the single garage. The proposals include a new first floor over the existing garage and a one and a half storey extension to the side; and would provide for additional garaging and a workshop at ground floor, and a home office, store and guest bedroom with en-suite at first floor.
- 1.3 The application is before planning committee at the request of Cllr Prince; Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints

Conservation Area
Locally Indexed Building
Residents Association

Relevant Planning History

CB18946/00	PERMIT	23rd February 1989
Erection of detached double garage		

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
BE 6 Back lanes in conservation areas
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Index of buildings of local interest (2007)
Residential alterations and extensions (2008)
Pittville character area appraisal and management plan (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATION RESPONSES

GCER

2nd July 2013

The data search for this site is based on the grid reference supplied by CBC, which is assumed to be located at the centre of the planning application site. GCER searches for all data within 250m of the grid reference. The provision of this data shows that important species or habitats are present on or near the proposed development site; however it does not show that important species or habitats are not present or not affected by the development.

Trees Officer

5th September 2013

The Tree Section has no objection to this application.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 15 neighbouring properties on 10th June 2013 giving 21 days to comment on the application. Following receipt of revised plans, further letters were sent out on 13th August 2013 giving an additional 14 days to comment on the revised scheme.
- 5.2 In response to the publicity, an objection has been raised by the neighbour at 42 Malden Road, and these comments have been circulated to Members in full but briefly, the objections relate to the use of the building, visual impact, parking and the party wall.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.1.1 The main considerations when determining this application are design and impact on the conservation area, and neighbouring amenity.

6.2 Design / impact on conservation area

- 6.2.1 Local plan policy CP7 (design) requires all new development to be of a high standard of architectural design and to complement and respect neighbouring development and the character of the locality.
- 6.2.2 In addition, policy BE6 (back lanes in conservation areas) advises that design should be appropriate to its location in height, scale and materials.
- 6.2.3 During the course of this application, the proposal has been significantly reduced in scale to better reflect the scale of the existing developments along the lane.
- 6.2.4 The ridge of the existing double garage will be increased in height by 1.6 metres, with the eaves increasing by approximately 2 metres. The existing 'Georgian' garage door will be replaced by a more traditional vertically boarded garage door and a central three light window will be inserted at first floor to the lane elevation; both with brick soldier courses over.

- 6.2.5 To the side of the double garage, following the demolition of the existing detached single garage, a one and a half storey extension is proposed beneath a hipped roof; a dormer to the front elevation would serve the guest bedroom. The materials used in the extensions would match those used in the existing garage, with facing brick to the elevations and natural slate to the roof. All new windows will be powder coated aluminium, with a mix of powder coated aluminium and timber doors.
- 6.2.6 Officers consider that the form, mass and general design of the resultant building is acceptable, and the building would respond well to neighbouring developments without causing harm to the character and appearance of the conservation area.
- 6.2.7 The proposal is therefore in accordance with the requirements of policies CP7 and BE6.

6.3 Impact on neighbouring amenity

- 6.3.1 Local plan policy CP4 (safe and sustainable living) advises that development will only be permitted where it would not cause unacceptable harm to the amenity of adjoining land users or the locality.
- 6.3.2 The concerns raised by the neighbour at no.42 Malden Road have been duly noted and whilst the neighbour suggests that there has been no material change in the revised plans, the extension has been moved a further 800mm from the boundary, the eaves height adjacent to the boundary has been reduced from 4.7 metres to 3.8 metres and the ridge has lowered by approximately 90mm.
- 6.3.3 There are no windows proposed to the side elevations of the development and therefore the proposal should not have any unacceptable impact on neighbouring amenity in terms of daylight, privacy or outlook; the fact that the building would be visible from neighbouring properties is not a reason to refuse planning permission.
- 6.3.4 The proposal therefore accords with policy CP4.

6.4 Other issues

- 6.4.1 The neighbour in objection to the proposal has also suggested that the future intended use of the building is for a three bedroomed dwelling however Members will be well aware that such speculation as to the applicant's future intentions cannot constitute a material planning consideration when determining this current application. Any future change of use of the building or independent occupation would require the benefit of planning permission and, for the avoidance of doubt, a condition is suggested to this effect.
- 6.4.2 Furthermore, issues relating to the Party Wall are a civil matter and not a material consideration when determining an application for planning permission.
- 6.4.3 The Trees Officer has been made aware of the removal of two trees within the site but has raised no objection to the proposal.
- 6.4.4 Finally, the proposal does not propose any reduction in parking levels within the site, and therefore would be extremely unlikely to increase traffic density within the lane or negatively impact on parking.

7. RECOMMENDATION

- 7.1 With all of the above in mind, the recommendation is to permit the application subject to the following conditions:

8. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with Drawing No. 21314/02B received by the Local Planning Authority on 6th August 2013.
Reason: To ensure the development is carried out in accordance with the revised drawings, where they differ from those originally submitted.
- 3 The extension/building(s) hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 26 Albert Road, Cheltenham.
Reason: Planning permission is required for independent occupation and the Local Planning Authority will require a further planning application in accordance with statute.
- 4 The new garage doors shall have the appearance of vertically boarded timber and shall be maintained as such thereafter.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

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APPLICATION NO: 13/00921/FUL		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 6th June 2013		DATE OF EXPIRY : 1st August 2013	
WARD: Pittville		PARISH: NONE	
APPLICANT:	Mr A R E Overbury		
LOCATION:	26 Albert Road, Cheltenham		
PROPOSAL:	Ground and first floor extensions to existing detached garage to provide first floor ancillary accommodation in connection with existing dwelling, following demolition of existing single garage		

REPRESENTATIONS

Number of contributors	1
Number of objections	1
Number of representations	0
Number of supporting	0

Windways
 42 Malden Road
 Cheltenham
 Gloucestershire
 GL52 2BT

Comments: 1st July 2013

I write in connection with the above planning application. I have examined the plans and I know the site well. I wish to object strongly to the proposal in this location.

Malden Road is in a conservation area where development proposals should be considered very carefully.

Use

The stated use of the development in our opinion is misleading and we think it is apparent from the plans that the future intended use is for a two bedroomed dwelling house.

If approved we also believe this will set a precedent for two story garage redevelopment in the area which would seem to be in conflict with the Councils Local Management Plan and will also promote intensification of the use of buildings putting more pressure on associated land and resources.

Visual impairment

The large scale, height along and close proximity to the neighbouring properties will have a negative impact on the urban grain and quiet residential character of the area and also reduce the open space.

While we accept that we will not be overlooked by windows, where previously we viewed a tree from our courtyard the view will be that of a brick wall.

Number 26 Albert Road is also a noted on the Pittville Character Appraisal and Management plan as a building of local importance and we believe the development, due to its size, will be detrimental in respect of the overall impact to the plot. This would be further exacerbated if the use did develop into a private dwelling and subsequent splitting of boundaries.

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Pressure on parking

We believe this development will increase traffic density in the narrow service lane of Malden Road and also negatively impact parking on an already constrained area.

Party wall

Any proposed development decision should stipulate that a Party Wall agreement to be in place before any adjacent development proceeds. Due to the proximity of the development there is a risk that any new foundations will damage the wall or adjacent structures.

Comments: 28th August 2013

Letter attached.

From: [REDACTED]

Sent: 20 August 2013 16:55

To: chris.chavasse@cheltenham.gov.uk; Internet – Planning Comments

Subject: Removal of tress at 26 Albert Road, Cheltenham

Dear Chris, I spoke to you early July and also reported a breach using your online form. I would appreciate an update on what action has been taken in respect of the removal of the trees (mature Magnolia & Apple) at 26 Albert Road without the appropriate consent.

I'm keen to understand what impact this has on a new planning application that my neighbour has made, basically they have said no trees have to be removed in respect of this application however this is because he has already removed these trees with out consent. I would also note that there is another mature pear tree that would have to be removed which is not as indicated on the planning application which would clearly have to be removed based on the current plans.

I have copied your colleagues in the planning department because I assume that a breach of planning regulations would have an impact on a subsequent application where there is clearly a direct correlation.

Kind regards

[REDACTED]

42 Malden Road, GL52 2BT

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Page 48

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The applications relate to a proposed extension to an existing single storey rear kitchen extension constructed relatively recently. The report relates to both the application for planning permission and the application for listed building consent submitted. In addition to these applications, the applicant has submitted a further pair of applications relating to an alternative form of extension. Those applications are to be considered under reference 13/00936/FUL and 13/00936/LBC and follow this report within the committee schedule.
- 1.2 All 4 applications are brought before Committee for determination at the request of Councillor Garnham who has asked if the application(s) is to be recommended for refusal that the matter be debated in Committee.
- 1.3 The application site is a substantial, detached, two storeys, over basement, grade II listed Regency villa, constructed 1833-50, with stucco over brick facing walls and a hipped slate roof. The property lies within the established residential area of The Park and the Cheltenham Central conservation area. It has been subject to some alteration in the past but despite this it has retained its original plot and historic character.
- 1.4 The current proposal is to extend further an existing rear kitchen extension granted planning permission and listed building consent in 2009 (see planning history and officer comments below) by a further 2 metres.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints

Conservation Area
Listed Buildings Grade 2

Relevant Planning History

81/01043/PF 3rd March 1981 PER

Replacement of unsound entrance to portico

90/01011/PF 22nd November 1990 REF

Erection Of Single Storey Detached Double Garage

90/01134/LA 13th December 1990 REF

Demolition Of Existing Garden Wall

03/00754/FUL 13th March 2006 PER

Part demolition of lean to shed to existing listed building to allow access to site and construction of proposed new dwelling

03/00755/LBC 30th June 2003 GRANT

Demolition of lean to shed to listed building to allow access to and construction of 1 no. dwelling (renewal of LBC ref 03/00755/LBC)

08/00630/LBC 19th June 2008 GRANT

Demolition of lean-to shed and part demolition of conservatory to allow access to a construction of single dwelling

08/01543/LBC 24th December 2008 GRANT

Refurbishment and minor internal alterations

08/01657/FUL 25th March 2009 PER

Erection of a single storey rear extension following removal of existing sun room

08/01658/LBC 25th March 2009 GRANT

Erection of a single storey rear extension following removal of existing sun room

10/00714/FUL 1st July 2010 PER

Erection of gates, gate piers and railings

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

BE 9 Alteration of listed buildings

Supplementary Planning Guidance/Documents

Central conservation area

National Guidance

National Planning Policy Framework

Other

Planning (Listed Buildings o& Conservation Areas) Act 1990

4. CONSULTATIONS

Heritage and Conservation

20th August 2013

—

1. This is a large detached property set in large grounds. It appears to have been owned by the same people for a number of years. From investigating the planning history on the site, the current owners (ie Mr & Mrs Blanchfield) applied for planning permission and listed building consent (applications 08/01657/FUL, 08/01658/LBC) for the current existing ground floor kitchen extension. This extension was approved on 25th March 2009. These approved drawings show an extension with a building footprint of 5m long and 5.5m wide and this approved extension replaced a poor quality conservatory with a building footprint of 2.5m long and 6.9m wide. The approved extension was to be roofed with a copper roof.
2. However the extension which was constructed was not built in accordance with the approved drawings. Instead of being built with a footprint of 5m long x 5.5m wide, it has been built 6.4m long x 5.5m wide, and it does not have a copper roof but has a ply membrane roof. In addition no information has been submitted to discharge either the planning or listed building consent conditions, and these conditions remain un-discharged. The principle that the applicants have built an extension without being in accordance with the approved planning permission or listed building consent drawings is of concern, and is potentially a criminal offence.
3. However notwithstanding my concerns about the planning history of this site, the proposed extension is now being proposed with a footprint of 8.5m long x 5.5m wide. It is noted that this application for an increased sized extension does not result in any loss of historic fabric but neither is there any heritage gain for the historic building. However the extension is now of such a length and significantly projects from the main rear elevation that it is –
 - a. visually challenging to the side elevation of the main historic house

- b. of a size, form and mass that is visually challenging to the main historic house from the rear of the site and is not subservient to the main house
 - c. of a size, form, mass and that its contrasting architectural style will become visually challenging to the classical proportions and classical architecture of the main historic house
 - d. proportionally poor, especially the side elevations of the new extension
 - e. creating a proposed footprint which is a non-historic and alien plan form to the overall building footprint
 - f. adversely affecting the setting of the historic building
4. Therefore in my opinion this proposed extension does not preserve the listed building or its setting, and is considered to be harmful. Although I consider this harm to be less than substantial, the proposals do not provide any public benefits to the proposals. Under the NPPF it is possible to consider the less than substantial harm against the gain of any public benefits. However with this application it is not possible to make that judgement, because there are no public benefits. In addition the NPPF requires clear and convincing justifications for the impact of a proposed development on a listed building. From the submitted Design and Access Statement the justification given by the applications is because the current extension fails due to its size to function as a kitchen and family room, restricting informal family meals and children's messy activities. I do not consider such justifications to be sufficiently convincing or robust.

CONCLUSION: the applications should be refused for the following reason:

Chalfont House is a grade II listed building of architectural and historic importance. The proposed alterations and extension, by virtue of the size, footprint, form, mass, proportions, and visual impact of the extension would harm the character, appearance and setting of the listed building. Accordingly, the proposals are contrary to sections 16(2) and of the Planning (Listed Buildings & Conservation Areas) Act 1990, national policy set out in the NPPF and policies BE9 and CP7 of the Adopted Cheltenham Borough Local plan.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 A total of 10 letters were sent out to neighbouring occupiers informing them of the receipt of the applications. In addition the application was advertised in accordance with normal Conservation Area/Listed Building practice.
- 5.2 No letters of representation have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.1.1 The main considerations with this application are the impact of the proposed extension upon the historic fabric and character of this important grade II listed building. The comments of the Heritage and Conservation Officer are therefore paramount in this case.
- 6.1.2 A planning permission and listed building consent to extend the kitchen were both granted in 2009. As part of the process in determining those permissions (08/01657/FUL and 08/01658/LBC) the scheme at the time was reduced in size to lessen its impact on the listed building.

- 6.1.3** At that time the Heritage and Conservation Officer, whilst stating that she was happy with the principle of a single storey extension with a simple projecting roof shape, had expressed concern about the size of the extension in relation to the width of the existing building and had also expressed the view that the extension should not project out beyond the line of the existing rear two storey garage/bedroom accommodation. The extension was originally shown as having a depth of 6.4m. It was suggested that this should be reduced to a maximum depth of 5m to meet the above requirement. Revised plans were submitted showing the depth of the extension reduced to 5m, though the projecting copper clad roof projected a further 0.6m. This was then to the satisfaction of the Conservation Officer and permission and Listed Building Consent were subsequently granted on 25 March 2009 on the basis of the revised drawings.
- 6.1.4** Despite this, the extension would appear to have been constructed with a depth of 6.4m (as per the original submission) and the depth of the projecting roof has also been increased from 0.6m to 1.0m. Overall therefore the extension, as now existing, has, according to the drawings submitted with this application, a total depth of some 7.4m when the drawings that were approved for the extension showed a depth of 5.6m including the roof projection. Added to this, the copper clad roof shown on the approved drawings has been substituted by one in the form of a ply membrane. The copper clad roof was seen as a quality contemporary element that made a significant contribution to the overall design; the ply membrane roof unfortunately is a cheaper alternative that fails to make any such contribution.
- 6.1.5** The current proposal maintains the width of the extension at 5.5m (same as that approved in 2009 and the same as existing) the depth however is now shown to be increased to some 8.5m to which should be added the projecting roof of 1m giving a total depth of new structure of 9.5. This is even significantly greater in depth over that considered unacceptable in 2009.
- 6.1.6** The Conservation Officer concludes that in terms of the impact that the proposed extension would have upon the historic fabric and character of this grade II listed building in her opinion the extension, as now proposed, would :
- a. be visually challenging to the side elevation of the main historic house
 - b. be of a size, form and mass that is visually challenging to the main historic house from the rear of the site and is not subservient to the main house
 - c. by virtue of the size, form and mass of an extension of such contrasting architectural style become visually challenging to the classical proportions and classical architecture of the main historic house
 - d. be proportionally poor, especially the side elevations of the new extension
 - e. create a proposed footprint which is a non-historic and alien plan form to the overall building footprint
 - f. adversely affect the setting of the historic building
- 6.1.7** She is strongly of the opinion that the proposed extension does not preserve the listed building or its setting, and is considered to be harmful.

Paragraph 133 of the National Planning Policy Framework states:

“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss”,

and paragraph 134 states

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

- 6.1.8** In this case the Conservation Officer considers the harm she has identified to be less than substantial. It is clear that in terms of the NPPF provisions it is possible to accept a scheme exhibiting “less than substantial harm” when weighed against the gain of any public benefits that the scheme would possess. However with this application it is not possible to make that judgement, because there are no public benefits. In addition the NPPF requires clear and convincing justifications for the impact of a proposed development on a listed building. From the submitted Design and Access Statement the justification given on behalf of the applicant is simply because the current extension fails, due to its size, to function in a way they would like as a kitchen and family room, restricting informal family meals and children's messy activities. It is considered that such justification, based on the personal preference of the owner and not based on an objective assessment of the residential function of the building is not sufficiently convincing or robust.

7. CONCLUSION AND RECOMMENDATION

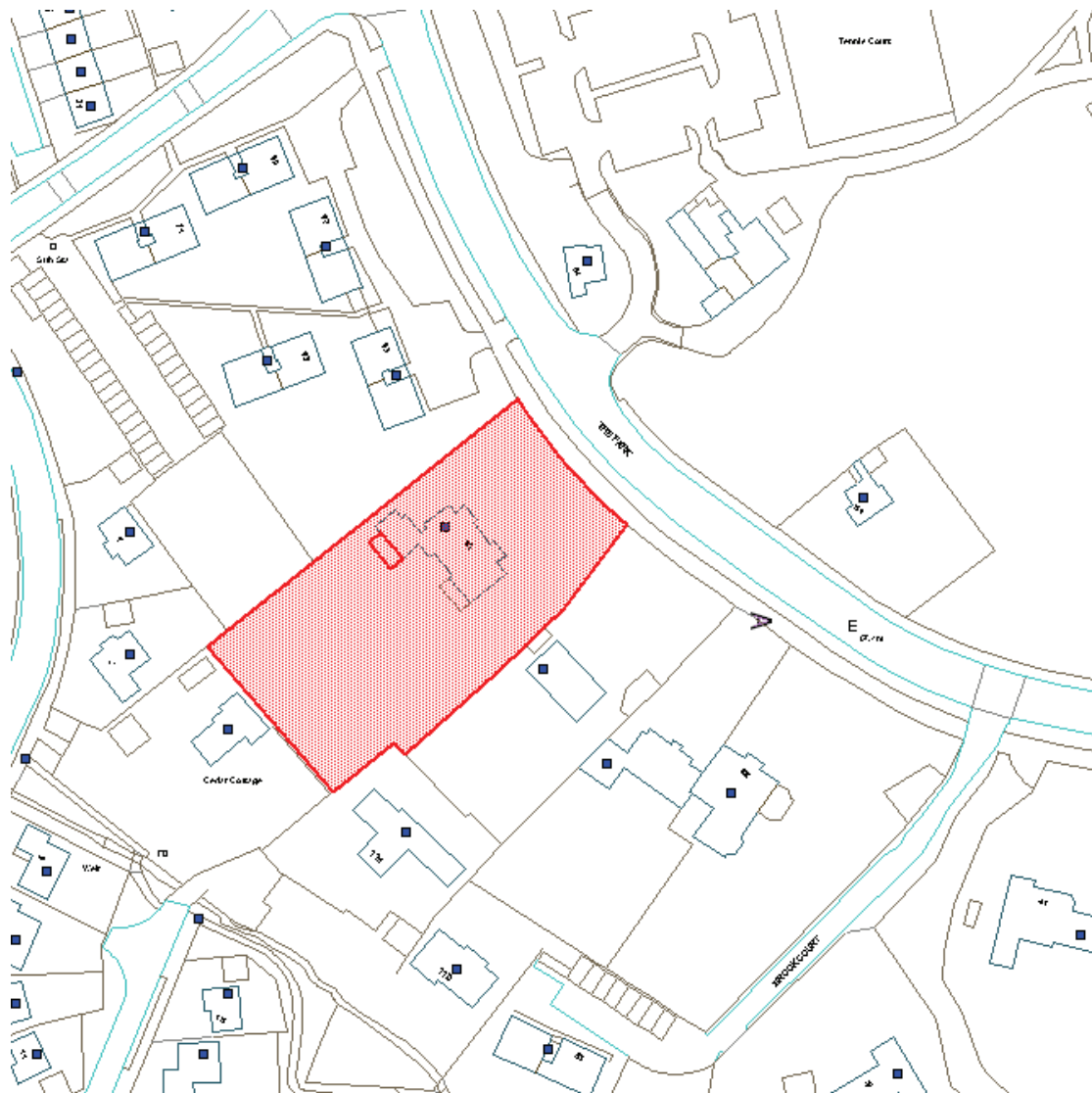
- 7.1** It is considered that the extension proposed principally by virtue of its size would harm the character and appearance of this listed building. This harm cannot be weighed against the public benefits of the scheme as there simply are none. Furthermore the justification for the extension is not convincing being based simply on personal preference.
- 7.2** It is recommended, therefore, that both planning permission and listed building consent be refused for the following reason.

8. REFUSAL REASON

- 1** Chalfont House is a grade II listed building of architectural and historic importance. The proposed alterations and extension, by virtue of the size, footprint, form, mass, proportions, and visual impact of the extension would harm the character, appearance and setting of the listed building. Accordingly, the proposals are contrary to sections 16(2) and of the Planning (Listed Buildings & Conservation Areas) Act 1990, national policy set out in the NPPF and policies BE9 and CP7 of the Adopted Cheltenham Borough Local plan.

APPLICATION NO: 13/00936/FUL & 13/00936/LBC		OFFICER: Mr Ian Crohill
DATE REGISTERED: 25th June 2013		DATE OF EXPIRY: 20th August 2013
WARD: Park		PARISH: None
APPLICANT:	Mr & Mrs M Blanchfield	
AGENT:	Mrs Diana Jones	
LOCATION:	Chalfont House, 61 The Park, Cheltenham	
PROPOSAL:	Proposed extension of existing single storey rear kitchen extension (Alternative Scheme to that proposed under application 13/00934/FUL and 13/00934/LBC)	

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The applications relate to a proposed extension to an existing single storey rear kitchen extension constructed relatively recently. The report relates to both the application for planning permission and the application for listed building consent submitted. In addition to these applications, the applicant has submitted a further pair of applications relating to an alternative form of extension which is marginally smaller in size. Those applications are to be considered under reference 13/00934/FUL and 13/00934/LBC and have preceded this report within the committee schedule.
- 1.2 The extension proposed in applications 13/00936/FUL and LBC is larger than that considered in the previous applications. Whilst that proposed under 13/00934/FUL and LBC was no wider than the existing extension the extension in the current applications has now increased in size to include an area 1.5m x 5.5m added to the side. That area had previously been used as an external seating area.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints

Conservation Area
Listed Buildings Grade 2

Relevant Planning History

81/01043/PF 3rd March 1981 PER

Replacement of unsound entrance to portico

90/01011/PF 22nd November 1990 REF

Erection Of Single Storey Detached Double Garage

90/01134/LA 13th December 1990 REF

Demolition Of Existing Garden Wall

03/00754/FUL 13th March 2006 PER

Part demolition of lean to shed to existing listed building to allow access to site and construction of proposed new dwelling

03/00755/LBC 30th June 2003 GRANT

Demolition of lean to shed to listed building to allow access to and construction of 1 no. dwelling (renewal of LBC ref 03/00755/LBC)

08/00630/LBC 19th June 2008 GRANT

Demolition of lean-to shed and part demolition of conservatory to allow access to a construction of single dwelling

08/01543/LBC 24th December 2008 GRANT

Refurbishment and minor internal alterations

08/01657/FUL 25th March 2009 PER

Erection of a single storey rear extension following removal of existing sun room

08/01658/LBC 25th March 2009 GRANT

Erection of a single storey rear extension following removal of existing sun room

10/00714/FUL 1st July 2010 PER

Erection of gates, gate piers and railings

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

BE 9 Alteration of listed buildings

Supplementary Planning Guidance/Documents

Central conservation area

National Guidance

National Planning Policy Framework

Other

Planning (Listed Buildings o& Conservation Areas) Act 1990

4. CONSULTATIONS

Heritage and Conservation

21st August 2013

Further to pre-application site visit and application information.

Analysis of Site

This house is an important part of the street scene however the proposed works are to the rear of the building.

Historic analysis of the site

This house is a detached villa which dates from 1833-50, with considerable alteration to some of the ground floor rooms in the mid 20thc century.

Comments:

1. This is a large detached property set in large grounds. It appears to have been owned by the same people for a number of years. From investigating the planning history on the site, the current owners (ie Mr & Mrs Blanchfield) applied for planning permission and listed building consent (applications 08/01657/FUL, 08/01658/LBC) for the current existing ground floor kitchen extension. This extension was approved on 25th March 2009. These approved drawings show an extension with a building footprint of 5m long and 5.5m wide and this approved extension replaced a poor quality conservatory with a building footprint of 2.5m long and 6.9m wide. The approved extension was to be roofed with a copper roof.
2. However the extension which was constructed was not built in accordance with the approved drawings. Instead of being built with a footprint of 5m long x 5.5m wide, it has been built 6.4m long x 5.7m wide, and it does not have a copper roof but has a ply membrane roof. In addition no information has been submitted to discharge either the planning or listed building consent conditions, and these conditions remain un-discharged. The principle that the applicants have built an extension without being in accordance with the approved planning permission or listed building consent drawings is of concern, and is potentially a criminal offence.
3. However not withstanding my concerns about the planning history of this site, the proposed extension is now being proposed with a footprint of 8.5m long x 7m wide (at its widest point). It is noted that this application for an increased sized extension does not result in any loss of historic fabric but neither is there any heritage gain for

the historic building. However the extension is now of such a length and width and significantly projects from the main rear elevation that it is:

- a. visually challenging to the side elevation of the main historic house;
 - b. of a size, form and mass that is visually challenging to the main historic house from the rear of the site and is not subservient to the main house;
 - c. of a size, form, mass and that its contrasting architectural style will become visually challenging to the classical proportions and classical architecture of the main historic house;
 - d. proportionally poor on all three sides, but is especially poor when viewed from the south-west;
 - e. creating a proposed footprint which is a non-historic and alien plan form to the overall building footprint, and the modern extension footprint (both the proposed increase in size and the extension as built) is approximately half the size of the footprint of the historic building;
 - f. adversely affecting the setting of the historic building.
4. Therefore in my opinion this proposed extension does not preserve the listed building or its setting, and is considered to be harmful. Although I consider this harm to be less than substantial, the proposals do not provide any public benefits to the proposals. Under the NPPF it is possible to consider the less than substantial harm against the gain of any public benefits. However with this application it is not possible to make that judgement, because there are no public benefits. In addition the NPPF requires clear and convincing justifications for the impact of a proposed development on a listed building. From the submitted Design and Access Statement the justification given by the applications is because the current extension fails due to its size to function as a kitchen and family room, restricting informal family meals and children's messy activities. Also the proposed extension has now increased in size to include an area which had previously been used as an ineffective external seating area. I do not consider such justifications to be sufficiently convincing or robust to outweigh the proposed harm to the listed building.

CONCLUSION

The applications should be refused for the following reason:

“Chalfont House is a grade II listed building of architectural and historic importance. The proposed alterations and extension, by virtue of the size, footprint, form, mass, proportions, and visual impact of the extension would harm the character, appearance and setting of the listed building. Accordingly, the proposals are contrary to sections 16(2) and of the Planning (Listed Buildings & Conservation Areas) Act 1990, national policy set out in the NPPF and policies BE9 and CP7 of the Adopted Cheltenham Borough Local plan. “

5. PUBLICITY AND REPRESENTATIONS

- 5.1 A total of 10 letters were sent out to neighbouring occupiers informing them of the receipt of the applications. In addition the application was advertised in accordance with normal Conservation Area/Listed Building practice.
- 5.2 No letters of representation have been received.

6. OFFICER COMMENTS

6.1 Clearly the same considerations highlighted in respect of application 13/00934/FUL and LBC are also relevant to the scheme the subject of the current applications. Members' attention is drawn to the Officer Comments and conclusions as they appeared in the report on those applications.

6.1.1 The Conservation Officer concluded in respect of the previous scheme that, in terms of the impact that the proposed extension would have upon the historic fabric and character of this grade II listed building, the extension would :

- i. be visually challenging to the side elevation of the main historic house
- ii. be of a size, form and mass that is visually challenging to the main historic house from the rear of the site and is not subservient to the main house
- iii. by virtue of the size, form and mass of an extension of such contrasting architectural style become visually challenging to the classical proportions and classical architecture of the main historic house
- iv. be proportionally poor, especially the side elevations of the new extension
- v. create a proposed footprint which is a non-historic and alien plan form to the overall building footprint
- vi. adversely affect the setting of the historic building

6.1.2 The alternative proposal, by incorporating an increase in footprint and thus a consequent increase in bulk and mass, clearly fails to address the issues raised by the Conservation Officer. Indeed, the issues she has identified are in fact compounded by the increase in size. It follows, therefore, that the recommendation should again be to refuse both planning permission and listed building consent.

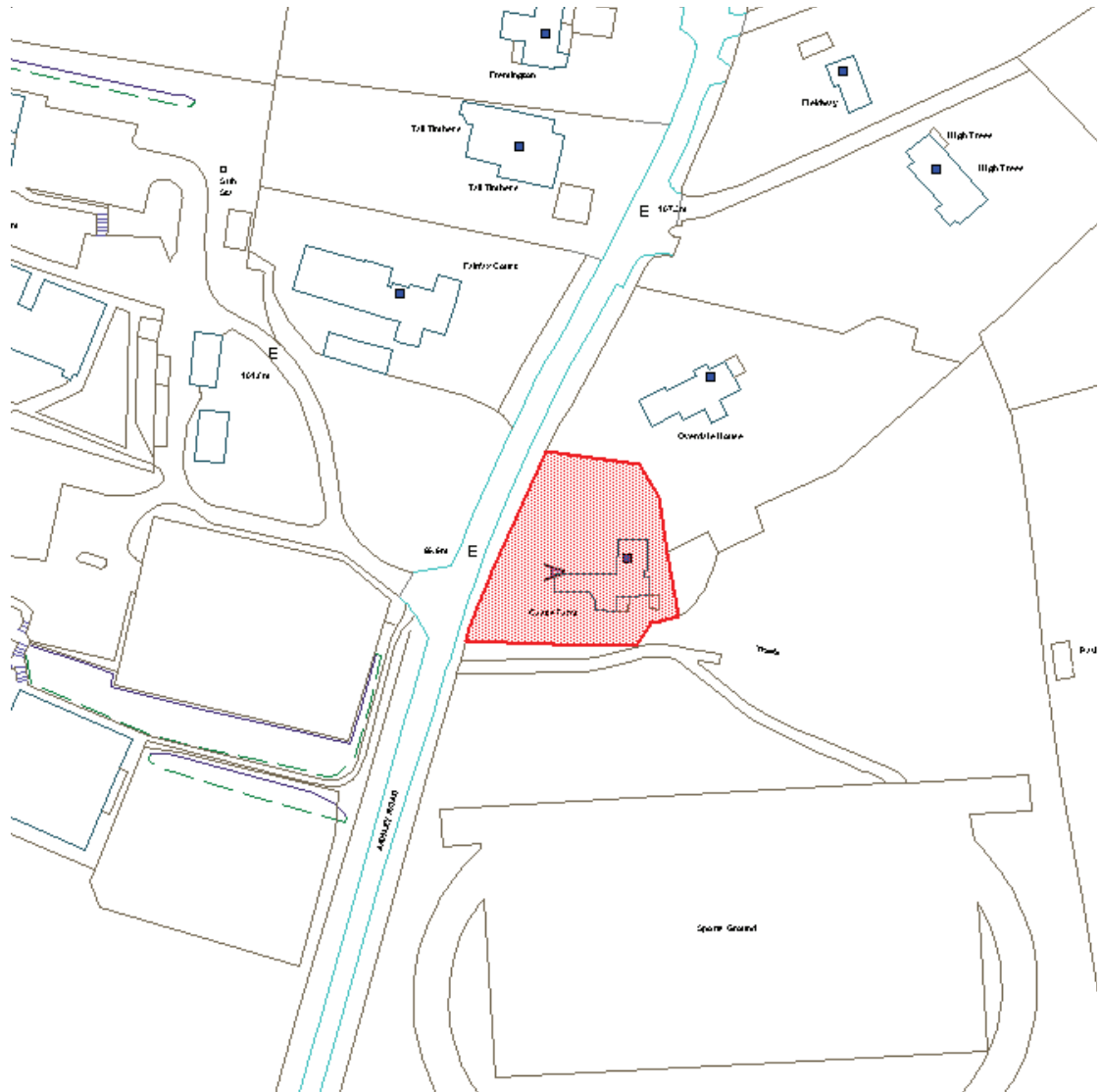
7. REFUSAL REASON

- 1 Chalfont House is a grade II listed building of architectural and historic importance. The proposed alterations and extension, by virtue of the size, footprint, form, mass, proportions, and visual impact of the extension would harm the character, appearance and setting of the listed building. Accordingly, the proposals are contrary to sections 16(2) and of the Planning (Listed Buildings & Conservation Areas) Act 1990, national policy set out in the NPPF and policies BE9 and CP7 of the Adopted Cheltenham Borough Local plan.

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APPLICATION NO: 13/01215/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 19th July 2013		DATE OF EXPIRY: 13th September 2013
WARD: Battledown		PARISH: Charlton Kings
APPLICANT:	Mr Richard Deacon	
AGENT:	Derek Slatter	
LOCATION:	Castle Farm, Ashley Road, Cheltenham	
PROPOSAL:	Alterations and extensions to dwelling (retrospective)	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a householder application for a number of alterations and extensions to Castle Farm, Ashley Road, a dwelling located with Charlton Kings parish. A part of the site is within the Battledown Estate however the house itself is not.
- 1.2 The application is largely retrospective as the majority of works have already been carried out because the applicant believed the development to be permitted development following the issuing of a Lawful Development Certificate in March 2013; the certificate however was issued in error due to discrepancies on the submitted plans.
- 1.3 The application is before planning committee following an objection from the parish council which simply relates to the fact that the works have been undertaken without previously securing planning permission. Whilst the objection does not relate to a material planning consideration, and cannot influence the outcome of the application, the Chair and Vice Chair consider that the objection is one which requires a committee assessment.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints

None

Relevant Planning History

13/00370/CLPUD

Certificate Issued

13th March 2013

Extensions and alterations to dwelling

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
GE 6 Trees and development

Supplementary Planning Guidance/Documents

Residential alterations and extensions (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Parish Council

30th July 2013

OBJECTION A development of this scale should not have been undertaken without having previously secured planning permission.

5. PUBLICITY AND REPRESENTATIONS

Letters of notification were sent out to three neighbouring properties. In response, two letters of representation have been received from the neighbours at Overdale House &

Fremlington, Ashley Road relating to inaccuracies in the submission; the comments have been circulated to Members in full.

6. OFFICER COMMENTS

- 6.1 The application proposes a number of alterations and extensions that to date have been carried out to a very high standard and fully accords with the aims and objectives of local plan policy CP7 relating to design. The Battledown Estate is characterised by large detached dwellings in good sized plots but which vary greatly in age and architectural style. Therefore, whilst the scale and character of this dwelling will be altered somewhat, the building will sit comfortably in its surroundings. The applicant is proposing a largely painted render finish together with a clay roof tile, and timber casement windows and doors.
- 6.2 Following discussions with the neighbour at Overdale House, the applicant has omitted a window to the extension over the garage together with two east facing roof lights which were originally shown in the Lawful Development Certificate submission. As a result, the proposals will not have any unacceptable impact on neighbouring amenity in terms of privacy, daylight or outlook and are in accordance with the requirements of local plan policy CP4 relating to safe and sustainable living.
- 6.3 During the course of the application, revised plans have been submitted by the applicant to address the inaccuracies referred to in the neighbours' representations together with an updated application form.
- 6.4 The application does not propose a new or altered vehicular access to the site. The additional entrance which has been formed for ease of access during construction works is a temporary measure; the applicant is proposing to reinstate the hedge on completion.
- 6.5 With all of the above in mind, the recommendation is to permit the application subject to the following condition. Additional conditions are not considered to be necessary given the retrospective nature of the application.

7. CONDITIONS

- 1 The development hereby permitted shall be carried out in accordance with Drawing Nos. 1215.02A and 1215.03A received by the Local Planning Authority on 9th September 2013.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.

INFORMATIVE

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner

APPLICATION NO: 13/01215/FUL		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 19th July 2013		DATE OF EXPIRY : 13th September 2013	
WARD: Battledown		PARISH: CHARLK	
APPLICANT:	Mr Richard Deacon		
LOCATION:	Castle Farm, Ashley Road, Cheltenham		
PROPOSAL:	Alterations and extensions to dwelling (retrospective)		

REPRESENTATIONS

Number of contributors	2
Number of objections	1
Number of representations	1
Number of supporting	0

Overdale House
 Ashley Road
 Cheltenham
 Gloucestershire
 GL52 6NU

Comments: 31st July 2013

The first Castle Farm application was made as Permitted Development. The Developer submitted sketches which showed an intended change in roof height which went un-noticed by CBC officials until highlighted by the public to a Compliance Officer.

The current application for Retrospective Planning Permission has similar inaccuracies throughout all areas of the present application. These may be careless or the professionals used to support the Developer's application have not properly scrutinised the paperwork before submission.

Specifically:

1301215 Application Form 541575

Item 7 concerns Trees and Hedges and is inaccurate. One large mature tree over 60 feet in height lies on the mid-boundary between Overdale House and Castle Farm and is within 25 ft of the garage. Hence it is within falling distance of the main house. The Developer has been in discussion with the owners of Overdale House as to whether it might be removed.

Other mature trees (Holly, Almond etc) within Overdale House grounds and Castle Farm boundary with Overdale House have branches which currently overhang the flat roof of the detached garage of Castle Farm which lies 2m 29 cm from the boundary and some would require the Overdale owner's permission to be removed in order to erect a new first floor bedroom. If removed entirely then the new garage and room would be fully exposed to the east and would be a major change to the current perspective.

The existing drive is very narrow and tree lined. For reconstruction purposes an area of old hedge was removed each side of the original footpath and a new wide entry made at the time of the application for Permissive Planning.

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Reconstruction has continued since the Developer was invited to apply for Retrospective Planning Permission.

1301215 Full Existing and Proposed Plans

Inaccuracies are present in this part of the submission. Namely:

- a. The drawings show a single wide garage door. It is actually two doors separated by a central supporting pillar on a detached garage.
- b. A chimney exists in the Family Room on the east wall but is shown on the drawings as well to the right of the front door, in fact it lies well to the left of the front door and hence is not central on the roofline as shown.
- c. Drawings show the cloakroom window to the side of the front door as equal (marked 5 & 6) but the plans and reality show the cloak room window is smaller.
- d. The garage floor is at least three feet above the main house floor. The plan shows the installation of a connecting door and steps from the back of the garage down to the main house. What plans exist for any fuel leakage in the garage being stopped from entering the house? The plans as submitted do not show this detail?
- e. A private sewer serves Overdale House and Castle Farm before entering the main sewer in Ashley Road. Has Severn Trent approved the additional service connections from the proposed alterations to Castle Farm?

Resulting from positive discussions between the Developer and Overdale House, the current submission has deleted the original Permissive Planning proposed window over the front of the garage and the two east side facing Velux style windows; all three would have closely overlooked Overdale House.

Provided the inaccuracies between areas of the plans as submitted are resolved by CBC then Overdale House as the immediate neighbour has no objection to the concept of Castle Farm renovations to the south and west facing aspects and an increase in the main roofline height but would not wish the current screening hedge line to be disturbed

Fremington
Ashley Road
Cheltenham
Gloucestershire
GL52 6NS

Comments: 26th July 2013

I am concerned about the inaccuracy of this application and the accompanying drawings:

- Item 3 states that work has not started without planning permission whereas it is actually well underway;
- Item 5 state that no new vehicle access is proposed - one has already been formed. This could be temporary for access during construction but no details are given;
- Item 7 states that trees/hedges will not need to be removed - this has already been done!;
- The drawings show the existing garage adjoined to the house - it was not;

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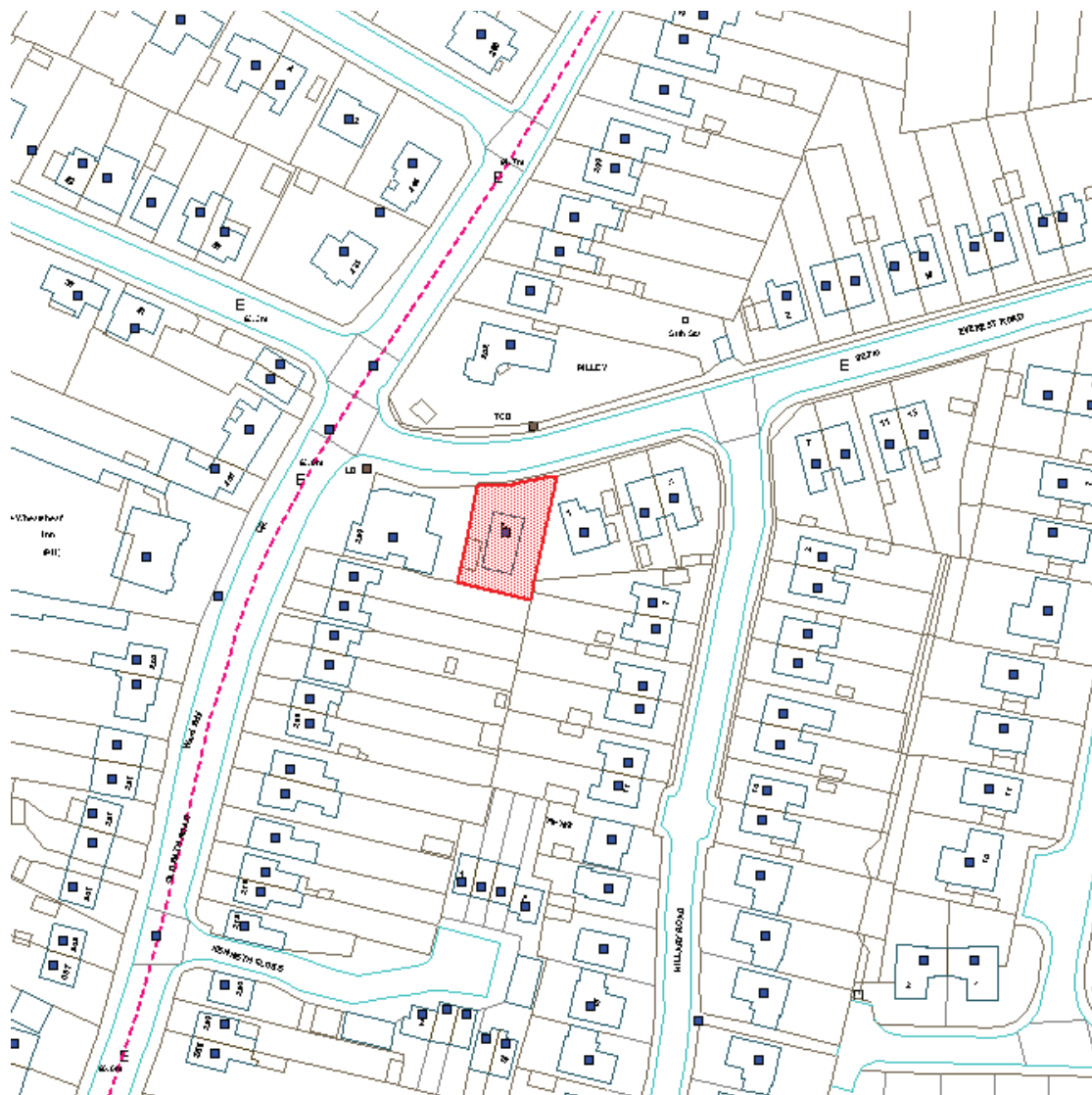
The drawings show the original roof to be far higher than it actually was (pictures available on request). The new roof trusses have already been installed and look to be even higher than the proposal.

The applicant seems to be paying little attention to the impact of the development on the local environment or neighbours.

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APPLICATION NO: 13/01216/COU		OFFICER: Miss Chloe Smart
DATE REGISTERED: 31st July 2013		DATE OF EXPIRY: 25th September 2013
WARD: Charlton Park		PARISH: None
APPLICANT:	Mr Samuel Hashimzai	
AGENT:	None	
LOCATION:	1A Everest Road, Cheltenham	
PROPOSAL:	Change of use from residential (C3) to a nursery (D1)	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a detached bungalow located close to where Everest Road meets Old Bath Road. The bungalow is currently in residential use; however the applicant is applying to change the use to a nursery (D1).
- 1.2 The applicant is proposing to operate between the hours of 09:00 and 14:00, Monday to Friday, with no working on a weekend or bank holidays. The proposal is for a maximum of 16 children.
- 1.3 The application is before planning committee at the request of Councillor Hall and Councillor Sudbury, who have raised concerns regarding highway safety and neighbouring amenity.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Smoke Control Order

Relevant Planning History:

13/00651/PREAPP CLO

Proposal to demolish existing dwelling and construct pair of new dwellings

13/00862/PREAPP CLO

Change of use from residential to nursery

83/00792/PF 27th October 1983 PER

Erection detached bungalow and garage

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

HS 7 Loss of residential accommodation

TP 1 Development and highway safety

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Environmental Health

5th September 2013

For the application 13/01216/COU for 1A Everest Road in Cheltenham, please see below for my full comments:

In relation to this application I am concerned from an environmental protection perspective that as this property was residential in use prior to this application and the site has never been used for a business of this nature, that there will be disturbance caused to local neighbouring residents from noise at the end use site. This could be from the use of the building for the nursery business, but most likely to be from the use of the garden. The applicant will need to carefully manage this area if the application is granted.

In relation to aiming to control the impact of noise I wish to put forward the following conditions:

- i. All windows and doors to the end use buildings will be kept closed during any period that there is music played or musical instruments being played by either adults or children.
- ii. The opening hours for use as a nursery will be 08:45 - 14:15 Monday - Friday with no weekend or Bank Holiday opening hours.
- iii. If the garage on this site is to be used as an area for children attending a nursery, it should adhere to conditions 1 and 2 above and be fully converted to the correct standard including a suitable level of insulation given its end use as part of the nursery.
- iv. Outside play is permitted for a maximum of 6 children at any one time and they may only play outside for a maximum of 30 minutes each time. Once a set of 6 children have been outside for 30 minutes they will not be permitted back outside again during that day. Staff are also to not only supervise children, but to keep the noise at a level which is un-likely to cause disturbance to neighbouring residents using their property as they normally would at that time of the day (including gardens).
- v. I note through correspondence with yourself that the applicant has provided a document detailing the typical day to day running of the business, I should wish this condition to tie the applicant to the statements made within this document regarding the operation of the business.
- vi. One further concern from an environmental protection and noise point of view is that the type and running of this particular nursery might not adversely affect neighbours in its planned use, but an example of an issue is, the applicant in the future wants to close/move the business so it is advertised as a premises which has permission to be a nursery and another owner moves in with double the number of children who are out all day long which then causes a noise impact on neighbouring residents.

So in order to combat this issue I would condition that all of the conditions as put forward by this department are for this applicant only and are not to be transferred or sold on with the premises should the applicant find he wishes to move away from it for any given reason. If the applicant wishes to sell or move on, the premises revert back to its original class of residential dwelling.

GCC Highways Planning Liaison

22nd August 2013

I refer to the above planning application received here on 31st July 2013 with plan no: 1216.04

The proposal is for a change of use from a C3 residential dwelling to a small children's nursery for 16 children. I am aware of the objection letters on the Cheltenham Borough Council website, and in particular in relation to the incident which occurred on 25th July 2013 involving 2 parked vehicles.

The site is located within a good catchment area for parents to be able to walk or cycle to the site, and therefore its unlikely every parent of the children attending the nursery would drive. Its not uncommon in such a situation to also find that more than one child in the same family attends the same nursery, thereby potentially cutting down on the number of trips further. Notwithstanding this I have assessed this application on the basis that 100% of the parents will drive, i.e. 16 vehicles arriving at the site during the morning rush hour. The

application form states that there will be 3 employees, and given that it appears a single bedroom dwelling will be staying on the site I would assume that one or even more of those staff will already be living on the site, however again I have assessed this application on the worst case scenario, i.e. that all staff will be arriving at the site by car.

I visited the site during the morning peak traffic times and during the day, and although I appreciate this may be a bit of a cut through route, I didn't witness the highway safety problems mentioned within the objection letters. The objection letters also make reference to problems in relation to parking associated with the pub; even if this were to be the case the traffic likely to be associated with the proposed development would be on the network at different times therefore would be unlikely to have a severe impact.

Everest Road is 5.5m wide at the point of the site access with footways either side; this is a standard carriageway width and wider than many in the county. This width of highway is considered wide enough to accommodate on street parking and still allow for the free flow of traffic; Manual for Streets indicates that 5.5m is also an acceptable width in order to allow two HGV's to pass. Double yellow lines are installed on the junction with Old Bath Road and extend into Everest Road for approximately 25m, which takes them to the site access, therefore indiscriminate car parking is already dealt with in this area by the Traffic Regulation Order (yellow lines) so is covered by separate legislation. There is plenty of opportunity to park at safe and suitable locations on the highway within 200m of the site without causing a highway safety hazard. Forward visibility is above the recommended standard for a 30mph road, and there have not been any recorded collisions at the junction with Old Bath Road, nor on Everest Road within the last 5 years. The applicant has indicated that 4 car parking spaces will be provided on site, I believe that this is sufficient to accommodate both the staff parking and parking associated with a one bed dwelling, however in all likelihood not all staff will drive a car to the site.

It's unfortunate about the incident that appears to have happened on the 25th July 2013 where two cars were parked inappropriately which lead to the road becoming blocked, however this could happen on any road within Cheltenham, or the County and is a matter for the police. We cannot design every road to be able to accommodate two cars to be parked on either side of the highway and still allow for a HGV to pass. The incident is unfortunate, however in the view of the Highway Authority, a nursery catering for 16 children at such a location, on a road with a standard carriageway width where traffic regulation orders are already in place, would not be likely to have a severe or significant impact upon highway safety. The National Planning Policy Framework says that although safe and suitable access should be provided, 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe'.

Although the proposed access has not been shown on the submitted plans, I am satisfied that a safe and suitable access can be provided at such a location, with visibility from the proposed access being acceptable for the speed of the road. I'm unsure whether 4 cars can physically park within the site; however this can be overcome by a suitably worded condition. No cycle parking has been provided, Table 16 of the Cheltenham Borough Council Local Plan says that 'a minimum of 2 cycle parking spaces must be provided at any new non-residential development, however small', therefore should you think it reasonable, please attach an appropriately worded condition.

Thus, it is for these reasons that I recommend that no highway objection be raised subject to the following conditions being attached to any permission granted:

- 1) No change of use shall occur until details of the proposed parking, manoeuvring and access facilities have been submitted to and agreed in writing by the Local Planning Authority. Those facilities shall be provided in accordance with the approved details

prior to the change of use occurring and shall be maintained as such at all times thereafter.

REASON: To reduce potential highway impact by ensuring that adequate parking, manoeuvring and access facilities are available within the site.

- 2) Prior to the change of use hereby permitted occurring secured and covered cycle storage facilities for a minimum of 2 bicycles shall be provided within the curtilage of the site and such provision permanently retained at all times thereafter.

REASON: To ensure that adequate cycle storage facilities are provided in line with the Governments declared aims towards sustainable modes of travel.

INFORMATIVE

The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.

NOTE:

If the applicant lodges an appeal for any reason in respect of this application (or proposal), I would be grateful if you would notify me immediately of the appeal and details of any public inquiry. Similarly if there is a call-in or other government action would you please advise me immediately. Without this information there is a significant risk of the County Council not being able to meet the timescales and deadlines imposed for submission of statements of case and other representations.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	5
Total comments received	16
Number of objections	15
Number of supporting	0
General comment	1

- 5.1 Five letters were sent out to neighbouring properties and sixteen responses have been received from those within the local area.

- 5.2 The concerns raised in the responses received have been summarised as follows;

- Noise disturbance created by the proposal.
- Highway safety – the property is located close to a busy corner, which already has parking and congestion issues.
- Parking concerns
- Loss of a residential bungalow.
- Inappropriate use of domestic bungalow.
- Size of the site – too small to cater for the proposed number of children.
- General disruption to the local area.

OFFICER COMMENTS

Determining Issues

- 5.3 The main considerations in relation to this application are the loss of a housing unit, the suitability of the site for a nursery and the impact on neighbouring amenity and highway safety.

- 5.4** Local Plan Policy HS7 restricts the loss of residential accommodation through change of use or demolition. The policy states that development involving the loss of residential accommodation through change of use will not be permitted unless it falls within certain criteria. Part (d) of this policy allows for change of use providing the proposed use would be beneficial to the wider economy and the local community; and cannot suitably be accommodated on alternative sites.
- 5.5** Within the note for policy HS7, a children's nursery is specifically referred to as within what is considered to be a community facility. Due to the nature of the proposal, requiring both outdoor and indoor space, the proposed use lends itself well to a residential area and members will be aware that there are a number of examples of residential properties becoming nurseries. As such, it is not uncommon to find a children's nursery within a residential area and officers are satisfied that the proposal meets the requirements of policy HS7.

Impact on neighbouring property

- 5.6** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 5.7** A number of objections have been received from residents within the locality, with concerns regarding the noise and disturbance of such a use in this area.
- 5.8** Due to the nature of the change of use the Borough's Environmental Health Officer has been consulted. Whilst concern has been expressed due to the increase in activity at a residential property which has not previously been used for this purpose, it is considered that if carefully managed, the proposal is acceptable.
- 5.9** Environmental Health's (EH) concern regarding the noise and disturbance created by the use relates primarily to the garden. The applicant has stated that teaching is predominantly indoors, with some outdoor teaching such as gardening, painting, sand and water play. The applicant has also stated outdoor teaching will be restricted to 6 children at any time, with a maximum of one and a half hours of the day involving outside teaching; a condition is suggested to ensure this is the case. Furthermore, EH have recommended a separate condition regarding outdoor play, which would be restricted to a maximum of 6 children at any one time and for a period of only 30 minutes each time.
- 5.10** Whilst the concerns raised regarding the size of the garden have been noted, the applicant's intention is not to use the garden for all 16 children at any one time. This has been stated in a statement submitted by the application, which sets out the proposed day to day running of the nursery.
- 5.11** In terms of general noise and disturbance created by the proposal, officers consider this would not be unacceptable, primarily due to the small scale proposal, with a low number of children and limited hours of operation (09:00 – 14:00 Monday to Friday with no weekend or bank holiday working).
- 5.12** As such, the use is not overly intensive and is considered acceptable with the inclusion of suitably worded conditions to limit the noise and disturbance for neighbouring properties.
- 5.13** Officers consider these conditions would not be onerous; the majority relate to the information provided by the applicant in the accompanying statement. As such, the limited hours of operation, use of the outdoor space and maximum number of children to use the nursery are based on the applicant's requirements.
- 5.14** Given that the suggested conditions relate back to the accompanying statement, officers consider it is both necessary and reasonable to limit the use to a personal permission. This would require any alternative nursery or D1 use to apply for a separate change of

use application, thus allowing the specific merits of any potential future application to be assessed.

- 5.15** This approach is also endorsed by the Environmental Health Officer, who has suggested that the premises revert back to its original residential use upon sale of the property or relocation of the business.
- 5.16** Based on all of the above and with the inclusion of suitable conditions, officers consider the proposed change of use would not harm the existing amenity of adjoining land users. A number of measures can be put in place to ensure neighbouring amenity is protected and in light of this, it is considered that the proposal is compliant with the aims of local plan policy CP4.

Access and highway issues

- 5.17** As stated earlier in the report there have been a number of objections received raising concerns regarding the impact of the proposal on the highway network.
- 5.18** As the proposal is for a change of use, Gloucestershire County Council's Highways Officer has been consulted on the application and has offered no highway objection to the proposal, subject to a number of conditions.
- 5.19** Due to the number of concerns regarding highway safety, a detailed highway response has been received to address the issues raised.
- 5.20** Local Plan Policy TP1 advises that development will not be permitted where it would endanger highway safety.
- 5.21** The site is within a good catchment area for parents to walk or cycle and therefore it is unlikely that every parent would drive to the nursery. In addition, there is the possibility that more than one member of the same family attends the nursery, which has the potential to reduce the number of trips.
- 5.22** Notwithstanding the above, GCC Highways have assessed the application on the assumption that every parent drives to the property, thus considering the 'worse case scenario'.
- 5.23** The width of Everest Road has been an area of concern in the letters received with some local residents describing the road as narrow. At the point of access to the application site the road is 5.5 metres with footpaths either side. This is a standard carriageway width, which is wider than many roads in the area and is also considered wide enough to accommodate on-street parking, whilst still allowing the free flow of traffic. To provide further context, a 5.5 metres carriageway is also wide enough for a High Goods Vehicle to pass as set out in the Manual for Streets.
- 5.24** A number of concerns from local residents refer specifically to the impact of the proposed use on the Everest Road and Old Bath Road junction and parking within this location.
- 5.25** In relation to the junction itself, forward visibility is above the recommended standard for a 30mph road and there is no record of any collisions occurring at this junction in the last 5 years.
- 5.26** In terms of road users parking within this area, GCC Highways have highlighted that double yellow lines are already installed at this junction, which extend approximately 25 metres into Everest Road. As a result, indiscriminate parking is already dealt with by the Traffic Regulation Order (yellow lines). It is important to further highlight that the local planning authority must consider the proposal on this basis and not on the potential for road users parking on yellow lines; this is covered by separate legislation.

- 5.27** Notwithstanding the above, the surrounding highway network has sufficient opportunity for road users to park in suitable, safe locations within 200 metres of the application site which are not covered by the Regulation Order.
- 5.28** The proposed access to the site has not been shown on the submitted plans, however the Highways Authority is satisfied that in line with Paragraph 32 of the NPPF, '*a safe and suitable access can be achieved for all people*'. This is based on the location of the existing bungalow, with the visibility in this location being acceptable for the speed of the road.
- 5.29** The applicant has suggested that four on site parking spaces can be provided, however this may not be able to be achieved within the site. As such, a condition has been suggested by the Highways Authority requesting the submission and approval of the proposed parking, manoeuvring and access facilities prior to any change of use.
- 5.30** Paragraph 32 (pg 10) of the NPPF states that, '*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*'.
- 5.31** In this instance this is clearly not the case. Based on the responses received there appears to be an issue with unauthorised parking in the area, however as previously stated this does not form part of the consideration of this application and is covered under separate legislation.
- 5.32** Furthermore, the view of the Highway Authority in relation to the specific proposal for a nursery catering for 16 children in this location is that it would not be likely to have a severe or significant impact on the highway network. Everest Road is a standard carriageway width, where traffic regulation orders are already in place.
- 5.33** Based on the above and with the addition of appropriate conditions regarding access, parking and manoeuvring arrangements; and bicycle storage, officers consider the proposal to be in accordance with Local Plan Policy TP1 and the NPPF.

6. CONCLUSION AND RECOMMENDATION

- 6.1** In conclusion, Officers consider that when assessed against the provisions of the NPPF and Local Plan Policy, the proposed development is acceptable.
- 6.2** The proposal meets the requirements of Policy HS7, being a community facility, which lends itself well to a residential property; and is a use that is not uncommon in a residential area.
- 6.3** There would be no harm the amenity of the existing land users due to the small scale nature of the business, limited opening hours and the inclusion of measures to protect neighbouring amenity.
- 6.4** Finally, the change of use would not result in a significant or severe impact to highway safety, thus meeting the requirements set out in the NPPF.
- 6.5** The recommendation is therefore to grant planning permission subject to the conditions below.

7. CONDITIONS / INFORMATIVES

Conditions and Informatives will follow as an update.

APPLICATION NO: 13/01216/COU		OFFICER: Miss Chloe Smart	
DATE REGISTERED: 31st July 2013		DATE OF EXPIRY : 25th September 2013	
WARD: Charlton Park		PARISH: NONE	
APPLICANT:	Mr Samuel Hashimzai		
LOCATION:	1A Everest Road, Cheltenham		
PROPOSAL:	Change of use from residential (C3) to a nursery (D1)		

REPRESENTATIONS

Number of contributors	16
Number of objections	15
Number of representations	1
Number of supporting	0

Hermione
Park Lane
Prestbury
Cheltenham
Gloucestershire
GL52 3BN

Comments: 12th August 2013

I strongly object to this application on the grounds of: noise, road safety and disruption to a residential area.

I am writing this on behalf of my ninety-one-year-old mother who treasures the tranquillity of her garden which is only one garden away from the foot of 1A Everest Rd. Five gardens in total directly link to the rear of this property and several more are likely to be unfavourably impacted by its presence.

Road safety must also be a large concern because of the already busy parking zone near the shop and the pub which is bound to be increased at peak times because of difficult access to parking directly outside the property. Crossing the Old Bath Rd for pedestrians and gaining access to drives is already difficult at peak times.

10 Everest Road
Cheltenham
Gloucestershire
GL53 9LG

Comments: 13th August 2013

This will increase traffic and noise in a residential area and create further parking problems very close to a busy and poorly managed junction. Existing yellow lines are largely ignored and the road is frequently blocked without the additional traffic created by a potential 16 extra cars picking up and dropping off children, plus staff cars. Inappropriate use of a domestic residential dwelling.

1 Southfield Approach
Cheltenham
Gloucestershire
GL53 9LN

Comments: 10th August 2013

My partner and I would like to object strongly to this application. Our primary concern is parking - the junction between Everest Road and Old Bath Road is already congested, with parking on the double yellow lines on all sides of the junction as well as Everest Road. This makes it difficult to both turn in and out of the road and to cross the road, particularly for our elderly residents, as visibility is obscured and cars end up on the wrong side of the road (many also travel too fast). In July the police had to close the road at this junction because two cars had parked opposite each other and there was no room for traffic to pass between them, causing significant disruption to residents and wasting police time, as well as causing problems for postmen accessing the post box on the corner and the one in Southfield Approach. Both cars were given parking tickets so this should be a matter of police record. The road is already busy and simply cannot cope with more traffic and parking due to parents dropping and picking up children.

We are also concerned about noise, and the loss of a residential bungalow which is highly sought after by older people. Everest Road, Southfield Approach and adjacent roads are mainly home to older people who enjoy the peace and quiet.

There are few children in the area, so anyone bringing children to the nursery will be travelling a considerable distance, further adding to the rush hour congestion in Pilley Lane, the roundabouts on Leckhampton Road and the Old Bath Road/Charlton Lane junction, which is already considerable and will become even worse when the new development of the Delancy site is completed.

The plans also are likely to upset customer parking for the shop on the corner of Everest Road, a thriving local business which relies on people being able to park nearby

This is an inappropriate site for a nursery and the applicant should find somewhere more suitable closer to potential customers and with off road parking.

5 Everest Road
Cheltenham
Gloucestershire
GL53 9LA

Comments: 12th August 2013

Letter attached.

3 Everest Road
Cheltenham
Gloucestershire
GL53 9LA

Comments: 11th August 2013

I am writing to object to this planning application on the grounds of congestion and safety. Living close to the proposed site for the nursery I see close hand how congested the junction with Bath road becomes not only at peak times but also at all times due to those wishing to stop, park and use the local amenities (i.e. corner shop, post box and large pub!). Only the pub has dedicated parking area and even this is very limited.

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I am also concerned that the site itself is simply not big enough to cater for the number of children and play area proposed.

14 Hillary Road
Cheltenham
Gloucestershire
GL53 9LD

Comments: 24th August 2013

As a resident of Hillary Road, I and my wife feel it is MOST inappropriate to use a RESIDENTIAL bungalow in a RESIDENTIAL area for use as a nursery.

Parking is already a nightmare on the corners of Old Bath Road/Everest Road/Hillary Road because of the shop, having 16 children being dropped off and picked up every weekday will cause huge inconvenience for local residents on what is already a busy residential road.

In addition having 16 children playing outside will make a high level of noise in Hillary Road, in what is a very quiet street, which is one main reason why me and my 6 months' pregnant wife bought our bungalow in September last year.

Houses and bungalows are in such short demand in this area (you only have to look at property prices compared to Cheltenham as a whole!), that to lose a valuable residential property would be terrible. Even though we are expecting a child, we do not feel it is appropriate (and certainly not convenient!) to have a nursery in a local RESIDENTIAL property.

I have noticed the owners have already started work on the property and hope they are not presuming they will receive permission for the proposed use as I can see it will meet with similar local opposition to ours.

3 Hillary Road
Cheltenham
Gloucestershire
GL53 9LB

Comments: 14th August 2013

Letter attached.

1 Hillary Road
Cheltenham
Gloucestershire
GL53 9LB

Comments: 20th August 2013

I am concerned about the proposal to change a small bungalow into a nursery for 4 adults and 16 children. It seems less than ideal.

As you are aware the site is on a very busy corner with parking issues already. There is a shop with no parking and a pub with limited parking. The crossroads are very difficult to cross and it has been decided in the past that there is no room for a crossing. Where would 4 staff park? This would restrict safe crossing even further.

As to how 16 parents are going to be able to drop off and pick up their children at 9am and 2pm safely I do not know.

Page 80

The site borders onto my garden and I enjoy sitting and working in it. This is a residential area and it is pleasant to hear neighbours enjoying their gardens too including their children. 16 children would be a noise issue. I know the proposals say that they would not all be out at the same time but I don't know how this could be regulated with the modern approach of child led and free flow play.

256 Old Bath Road
Cheltenham
Gloucestershire
GL53 9AP

Comments: 20th August 2013
Letter attached.

1 Everest Road
Cheltenham
Gloucestershire
GL53 9LA

Comments: 20th August 2013

I would like to register my objection to the planning application to change the use from residential to business at 1A Everest Road. I live at 1 Everest Road (next door). My objections are based primarily on parking and noise disturbance.

There is an immediate problem with parking in this area created from the shop on the corner of Old Bath Road/Everest Road and the Wheatsheaf Pub directly opposite. Recently an incident (25th July) created havoc when two vehicles parked opposite each other, restricting/preventing vehicles from passing through resulting in the police blocking the whole road off for more than an hour. Everest Road is in constant use as a 'rat run' to Charlton Kings/A40 and Cirencester Road and is particularly busy during the start/end of the day. I have a serious concern for the safety of many elderly people who live in this quiet residential street and surrounding area as well as the many small children who walk to the local primary/secondary schools; the prospect of another 16 parents dropping children off and staff working at the proposed nursery would I believe have a significant impact on public safety. I already experience problems on a personal level with people using the shop/pub, parking outside my property, blocking part of my driveway and causing tremendous inconvenience to myself. The proposed tarmac drive for up to 4 vehicles can only exasperate the situation.

I am also concerned the planning application does not mention the requirement for a commercial refuse collection. Surely a nursery catering for up to 16 children will have a substantial number of nappies to dispose of, this is worrying particularly as I have recently had to deal with a rat infestation in the garden not confined to my own property and know of a number of other local people who have experienced the same problem.

I am concerned about the constant impact of noise made by so many children. The application states up to 5 children will be allowed to play outside at any one time; this then would present a steady stream of noise throughout the day impacting considerably on my enjoyment and quality of life.

I notice the application states there will be no need to demolish any trees; can I assume then, the mature apple tree to the side of the garden and a large thick hedge running between our two properties will remain? The removal of this hedge would have a significant impact on noise and privacy currently afforded to my property.

I would be grateful if you would consider my objections based on the information I have provided.

37 Everest Road
Cheltenham
Gloucestershire
GL53 9LL

Comments: 15th August 2013
Letter attached.

20 Brizen Lane
Cheltenham
Gloucestershire
GL53 0NG

Comments: 4th August 2013

As the local County Councillor, please can I request that this application goes before the planning committee if the officer recommendation is for approval? This is due to the concerns of neighbouring properties about parking, traffic and amenity issues. Could I also ask for the Highways Officer and Environmental Health to give careful consideration to the proposals?

36 Everest Road
Cheltenham
Gloucestershire
GL53 9LG

Comments: 16th August 2013
Letter attached.

2 Southfield Rise
Cheltenham
Gloucestershire
GL53 9LJ

Comments: 16th August 2013
Letter attached.

23 Tensing Road
Cheltenham
Gloucestershire
GL53 9LX

Comments: 19th August 2013
Letter attached.

39 Everest Road
Cheltenham
Gloucestershire
GL53 9LL

Comments: 9th August 2013

It would be a shame to lose a property to a business considering how many families desire to live in this area.

More importantly the junction the property is on is hazardous enough today due to the blind bend and cross roads. There is nowhere for cars to park without upsetting the flow of the through road. I fear the risk of near-misses and accidents would go up substantially if 16 sets of parents are visiting twice a day putting both the local residents at risk and their children, no doubt all within two very small time windows, where potentially 5-10 cars may appear on such a short section of road.

If the nursery was to guarantee all collections and drop offs were performed on their property it would be better but the positioning of the property is not suitable for the increased traffic expected. The road is narrow and there are no places for vehicles to turn.

My main reason for objecting is in the interests of safety. Children, pedestrians and road users due to the will all be at increased risk due to the inappropriate position of the property for its proposed new purpose.

Cheltenham Borough Council Environment Dept			
PAS/EL/TC			
REC'D	12 AUG 2013		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

5 Everest Road,
Leckhampton Road,
Cheltenham, Glos.
GL53 9LA

9th August 2013

Dear Sir,

**Re: 1A Everest Road, Leckhampton, Cheltenham. GL53 9LA
Planning Application No: 13/01216/COU**

As it has been brought to my attention through an article in the local paper, Gloucestershire Echo, plus a subsequent letter from Paul Baker, Charlton Park Liberal Democrats, about the intended use of the above property and though I have not been officially informed as an immediate neighbour but only 3 doors away. I would like to register my objections very strongly against this proposal.

My reasons are as follows:-


- 1) The main consideration is to do with the general parking which will be predominately on the road and catering for up to 16 children, the constant picking up and dropping off will put a tremendous strain on street parking .and creating danger to passing traffic. There are also a number of very elderly local residents who would find using the pavement extremely difficult with constant use of parents and children.
- 2) I understand there will be 3 members of staff and where are they going to park – again I expect it will be on the street. No doubt they will start well before 9 am and finish well after 2 pm.
- 3) The intention of allowing a play area on the grass lawn, which I presume will be at the rear of the property, will obviously create a general neighbourhood noise disturbance.
- 4) Added to the above points – there is the shop next door, which causes more parking from shoppers.
- 5) There is the local pub across the road on Old Bath Road and as they do not have their own car park, another point of irritation , and again more street parking. which impinges on the lunch time

Apart from the above points of contention, about 3 weeks ago there was an incident of a very selfish and inconsiderate piece of parking concerning two cars parked opposite each other on either side of the road and made traffic almost impossible to get through. This necessitated involving the police to sort out the situation, issuing parking tickets to the offending vehicles and also closure for nearly an hour of the stretch of road between the entrance of Everest Road and the junction of Hiliary Road. causing traffic to reverse and go back up Everest Road.

As pointed out by Mr Baker this could be the loss of a residential bungalow which are certainly in short supply in Cheltenham.

I think this is a very badly considered application and should not be granted as this is a residential road and not for commercial use.

Yours faithfully,



Built Environment Division,
Cheltenham Borough Council,
PO Box 12
Municipal Offices,
Promenade,
Cheltenham, Glos. GL50 9SA

Copy to: Councillor Klara Sudbury,
20 Brizen Lane,
Cheltenham. GL53 0NG

3, Hillary Road,
Cheltenham

Glos

GL53 9LB

Tracey Crews
Head of Planning
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham Glos
GL50 1PP

Recd 14 AUG 2013
ENVIRONMENT

Dear Tracey Crews

re Proposal change of use from residential (C3) to a nursery (D1)
at 1A Everest Road Cheltenham.

I am concerned about the proposed change on a
number of counts:-

- 1) the additional traffic movements particularly at
already busy times of day.
- 2) my garden has a section that adjoins the
garden of 1A Everest Road hence I am concerned
about noise
- 3) the garden of this house is small and will
not provide much play area for 16 children.
- 4) loss of a residential bungalow.

Yours sincerely



Cheltenham Borough Council Environment Group	
PASSED TO	
REC'D	20 AUG 2013
Date of Response	
Initials of Responder	

256 Old Bath Road

Cheltenham Spa

GL539AP

18 08 2013

Reference 13/01216/cou

Dear Miss Chloe Smart,

I would like to object to the planning application, for 1a Everest Road Cheltenham, on the grounds of

- 1/ Excess noise from, children, adults, cars,
- 2/ Traffic , an increase in a narrow road,close to a corner,
- 3/ Privacy over looking my property , by children on climbing frames + swings etc

Yours Faithfully

[Redacted]

[Redacted]

Recd 15 AUG 2013

ENVIRONMENT

Page 87 ~~Veresv~~ Road

Cheltenham

GL53 9LL

Re 13/01216/cou

14 -08-13

The Planning Officer

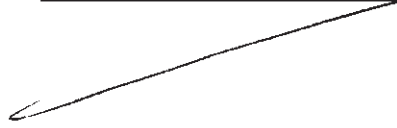
Dear Sir

I have received a letter from Paul Baker regarding the proposed nursery at 1a Veresv Road.

As a resident in this narrow road I feel the build up of traffic at busy times of day would cause considerable problems for drivers trying to turn into Old Bath Road.

Also the bungalow is not
suitable to cater for the
needs of 16 children

Yours faithfully



PLANNING DEPARTMENT
MUNICIPAL OFFICES,
PROMINADFE
CHELTENHAM GL50 1PP

Page 89

36 EVEREST ROAD
CHELTENHAM,
14th AUGUST 2013,

Dear Sir or Madam,

RE: PLANNING APPLICATION 13/01216/COU.

I am writing regarding the above planning application to convert 1a Everest Road into a day nursery business. As a resident of Everest Road, I am objecting to the application on the following grounds:

1. Such a business would inevitably lead to lots of extra traffic from parents dropping off and picking up their children on a busy corner ~~at the bus stop, local shops etc~~ ^{which is hazardous to pedestrians going to the bus stop, local shops etc} there are many elderly residents in Everest Road. I am an 84-year-old pensioner myself, and I am fearful that the increased traffic would be a danger.
2. Everest Road is a quiet residential area, and such a business with up to 16 children playing in the small garden would create a noise nuisance.
3. As Everest Road is a residential road, converting a property to business use would I believe mean a substantial change to the character of the area.

For these reasons I am strongly objecting to this application.

Yours faithfully,



Planning Department
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 1PP


2 Southfield Rise
Cheltenham
Glos
GL53 9LJ

Recd 16 AUG 2013
ENVIRONMENT

15th August 2013

Dear Sirs


Planning Application no 13/01216/COU 1a Everest Road

I am writing on behalf of myself at the above address and my elderly mother, who lives at 2 Hillary Road to express our objections to turning a residential bungalow into a day nursery, (in itself a loss when residential properties especially bungalows are in short supply).

This property is situated very close to a busy junction and has only a small driveway so 16 sets of parents bringing children would be parking on the road probably at a peak time of day. It is frequently difficult for traffic to negotiate the parked cars belonging to residents and people using the shop next door especially in the mornings with drivers on their way to work and taking children on the school run, all the extra cars from the nursery staff and children arriving would make the situation far worse. Cars trying not to block the road do at times park on the pavement (especially along the section that has double yellow lines) and pedestrians are forced to walk on the road around the cars and with the extra cars arriving this situation may worsen and this could be very dangerous for the elderly walking to or from the shop or the bus stop and for children going to school.

The garden of the bungalow is not large and is surrounded by residential properties and there are further residential properties very close by and 16 children will be noisy and this will be a disturbance for the all these residents many of whom are elderly.

Yours



23 Tensing Road
Leckhampton
Cheltenham
Glos
GL53 9IX

16th August 2013

Recd 19 AUG 2013

ENVIRONMENT

13/01216/COU

Dear Sir

I am writing in answer to your announcement in the Echo dated the 3rd August 2013, regarding the opening of a Nursery School at No. 1A Everest Road.

However, I wish to place my concern at such an outrageous idea for this small dwelling to accommodate 18 children. The interior is of small design and I feel is not adequate for such an enterprise, though major work is now taking place. I therefore feel larger premises are essentially needed for the number of children suggested, to say nothing of the noise level this will generate to the annoyance of the nearby neighbours.

Allow me to give you a classic example of an incident that recently happened involving traffic chaos which necessitated involving the police before issuing fines and removing the offending vehicles having parked opposite each other outside No. 1A, the bungalow mentioned above, thus causing the road to almost being closed.

Bearing in mind this bungalow is almost at the junction of the Old Path Road, where traffic is continually on the move, and then to have 'drop offs' and 'pick ups' during peak times will inevitably cause chaos with traffic entering Everest Road, via the Old Bath Road, and traffic coming from Charlton Kings, together with the corresponding Roads, via Everest Road. It is sheer lunacy to even consider the passing of this application and is absolutely outrageous.

The owner of the adjacent bungalow needed to take control of the traffic, directing small vehicles to mount the kerb and drive along his grass verge in order to pass. No large vehicles could pass between the two parked offending cars and needed to reverse and take another route. This method continued until the police arrived and took control.

In heavens name please do not allow this application to go through as accidents and obstructions will surely occur, so hopefully permission will not be granted for the safety of us all.

Meanwhile, this Italian Montessori method of education needs to find another venue for the children, I believe, who may have learning difficulties who cannot respond to a stricter regime.

Cont'd.....

Finally, please give this project your utmost thoughts and consideration which hopefully will result in a sensible conclusion.

Yours faithfully



To: The Planning Officer
The Planning Department
Municipal Offices
The Promenade
Cheltenham
Glos

P.S. Enclosed is a newspaper cutting of the bungalow in question.

Nursery looks to the future with new space



Cheltenham Montessori aims to provide children with a different nursery experience, not yet provided locally. 77
Samuel Hashimzal

APPLICATION NO: 13/01216/COU		OFFICER: Miss Chloe Smart	
DATE REGISTERED: 31st July 2013		DATE OF EXPIRY: 25th September 2013	
WARD: Charlton Park		PARISH: None	
APPLICANT:	Mr Samuel Hashimzai		
AGENT:	No agent used		
LOCATION:	1A Everest Road, Cheltenham		
PROPOSAL:	Change of use from residential (C3) to a nursery (D1)		

Update to Officer Report

1. CONDITIONS/INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 1216:01 and 1216:03 received 18th July 2013; and in accordance with the supporting information submitted by the applicant on 28th August 2013.
Reason: To ensure the development is carried out in strict accordance with the approved drawings and with the details provided by the applicant.
- 3 This permission shall be exercised only by Mr Samuel Hashimzai (the applicant) and the site shall revert back to C3 use if the applicant ceases the use hereby approved.
Reason: The development is only acceptable because of special circumstances and the Local Planning Authority wishes to have the opportunity of exercising control over any subsequent use in the event of the applicant ceasing the use hereby permitted.
- 4 The use hereby permitted shall not be operate outside the hours of 08:45 to 14:15 Monday to Friday, and shall not operate at any time on weekends and bank holidays.
Reason: To safeguard the amenities of adjoining properties and the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.
- 5 No change of use shall occur until details of the proposed parking, manoeuvring and access facilities have been submitted to and agreed in writing by the Local Planning Authority. Those facilities shall be provided in accordance with the approved details prior to the change of use occurring and shall be maintained as such at all times thereafter.
Reason: To reduce potential highway impact by ensuring that adequate parking, manoeuvring and access facilities are available within the site.
- 6 The applicant shall ensure the provision of secure and covered cycle storage facilities for a minimum of 2 bicycles is provided within the curtilage of the site and such provision permanently retained at all times thereafter.
Reason: To ensure that adequate cycle storage facilities are provided in line with the Governments declared aims towards sustainable modes of travel.

- 7 In accordance with the Supporting Information submitted by the applicant on 28th August 2013, outdoor teaching is permitted for a maximum of 6 children at any one time and for a maximum combined period of 1.5 hours in any day. In addition to this, the use of the outdoor space for play is permitted for a maximum of 6 children at any one time and for no longer than a combined period of 1.5 hours a day. The outdoor space shall at no point be used for both play and teaching at the same time.
Reason: To safeguard the amenities of adjoining properties and the locality in accordance with Local Plan Policy CP4.
- 8 All windows and doors will be kept closed during any period where music is played or musical instruments are being played by either adults or children.
Reason: To safeguard the amenities of adjoining properties and the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The proposed development will require the provision of a footway/verge crossing and the Applicant is required to obtain the permission of the County Council before commencing any works on the highway.

APPLICATION NO: 13/01216/COU		OFFICER: Miss Chloe Smart
DATE REGISTERED: 31st July 2013		DATE OF EXPIRY : 25th September 2013
WARD: Charlton Park		PARISH: NONE
APPLICANT:	Mr Samuel Hashimzai	
LOCATION:	1A Everest Road Cheltenham Gloucestershire	
PROPOSAL:	Change of use from residential (C3) to a nursery (D1)	

ADDITIONAL REPRESENTATIONS

20 Brizen Lane
Cheltenham
Gloucestershire
GL53 0NG

Comments: 19th September 2013
Letter attached.

16 Everest Road
Cheltenham
Gloucestershire
GL53 9LG

Comments: 16th September 2013
We are writing to object to the proposed change of use for 1A Everest Road.

Our main concern is the same as many of our neighbours: the increased traffic and danger to pedestrians and other road users. The congestion at the junction of Everest Road and Old Bath Road is already bad (in recent years the council undertook work to improve the pedestrian crossings around this junction). With 16 children being dropped off and collected each day, and staff vehicles, congestion will increase.

Parents will naturally try to park as close to the nursery as possible, probably illegally - like customers to the shop currently do. This will cause a bottleneck at peak times.

Cars already park on the double-yellow lines in Everest Road, and park on the curbs, blocking the pavements - the nursery customers are likely to make this worse.

Cheltenham has a chronic shortage of housing (hence the plans to build on greenfield sites), so this property should remain residential. There must be more suitable - and safer - properties available for this type of business?

Everest Road is a residential area, and is not suitable for commercial activities. The proposed nursery will be detrimental to the local environment, and almost certainly increase the danger for our elderly neighbours and the young children who walk to and from school each day.

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Despite all the objections, we anticipate permission will be granted. If that is the case, in order to minimise potential congestion and accidents perhaps restricted opening hours could be considered, i.e. opening after 10am and closing before 3pm?

And when the problems outlined become reality, please let us know whose responsibility this is, and who we should then contact.

Please consider all of our - and our neighbours - concerns very carefully. Thank you.

Page 97



From: Smart, Chloe
Sent: 19 September 2013 11:49
To: Internet - Planning Comments
Subject: 13/01216/COU - 1A Everest Rd

Chloe Smart

Planning Officer
Built Environment
Cheltenham Borough Council
chloe.smart@cheltenham.gov.uk
Tel - 01242 264383

-----Original Message-----

From: [REDACTED]
Sent: 18 September 2013 09:28
To: Smart, Chloe
Subject: 1A Everest Rd

Dear Chloe,

Unfortunately I cant attend planning committee tomorrow but I want to make an objection to the planning application to turn 1A Everest Rd into a nursery.

I am concerned about the noise impact on the near neighbours but also the traffic implications.

I see these issues are dealt with in the planning report but I do know this area very well having lived on Old Bath Rd not too far away from here and there are some serious issues with parking at the junction of Everest Rd with Old Bath Rd already.

There are yellow lines but they are never enforced and people park there when going to the shop.

The proposed development can only make this issue worse.

When cars are driving from the Old Pats direction, cars parked on yellow lines to the south side of Everest Rd by the junction mean that traffic has to flow into the wrong side of the road as they approach Old Bath Rd. This makes it difficult for cars turning into Everest Rd from the very busy Old Bath Rd.

With 16 children attending the nursery there is scope for significant parking problems being created at a location which is already tricky due to existing circumstances of the shop and nearby pub. I understand that recently access to the road was blocked due to cars being parked on both sides of the road and residents are rightly fearful that this might be a more regular occurrence with another business near this location.

The other issue is the noise associated with the nursery. Everest Rd is a quiet suburban area of Leckhampton popular with elderly people and families. Having 16 children in one building can be

19/09/2013

Page 98

quite noisy and will have an unacceptable impact on the amenity of nearby residents especially when the garden is in use.

Whilst I do appreciate that providing nursery care in a homely setting is what most families want I do not think this is the right location and would urge colleagues to take heed of the concerns of local residents and refuse the application.

Kind regards,



Think before you print - only print this email if absolutely necessary.

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This email and any attachments are believed to be free from viruses but it is your responsibility to carry out all necessary virus checks and Gloucestershire County Council accepts no liability in connection therewith.

APPLICATION NO: 13/01265/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 29th July 2013		DATE OF EXPIRY: 23rd September 2013
WARD: Prestbury		PARISH: Prestbury
APPLICANT:	Mr And Mrs Townsend	
AGENT:	Ian Johnstone Associates	
LOCATION:	Pinewood, 12 Acacia Close, Prestbury, Cheltenham	
PROPOSAL:	Erection of a detached dwelling (revised scheme)	

RECOMMENDATION: Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF PROPOSAL

- 1.1 This is a full application for the erection of a detached three bedroom dwelling within the curtilage of no.12 Acacia Close. The site is accessed off a private drive at the end of the cul-de-sac, and lies within Prestbury parish.
- 1.2 It is a revised proposal following the withdrawal of a previous scheme in July 2012. In this revised scheme, the footprint and height of the building has been greatly reduced.
- 1.3 The application is before planning committee as a result of an objection from the parish council whose comments can be found below; Members will visit the site on planning view.

2. CONSTRAINTS AND PLANNING HISTORY

Constraints

None

Planning History

T4697/N/Z/A

PERMIT

1st September 1983

Extension

00/01456/FUL

PERMIT

27th November 2000

Construction of two storey extension at side of house in place of existing garage and utility room

12/00706/FUL

WITHDRAWN

25th July 2012

Erection of a detached dwelling

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

HS 1 Housing development

RC 6 Play space in residential development

TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)

Play space in residential development (2003)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Tree Officer

8th August 2013

Comments as per previous application (12/00706/FUL) - None of the trees on this site are worthy of TPO's, therefore the Tree Section has no objections to this application. Should

the applicant wish to retain these trees during construction, I would recommend that they be fenced off as per BS 5837:2012 so as to ensure their safe retention.

HMO Division

9th August 2013

Some of the proposed bedrooms appear not to meet the minimum floor areas. The minimum floor area for a single bedroom is 7sqm and a double bedroom is 10.5sqm. I would advise that space standards in residential accommodation are governed by both the Housing Act 1985 and Housing Act 2004. Undersized or overcrowded premises may be subject to enforcement action.

Parish Council

14th August 2013

Objection on the following grounds:

1. This is an inappropriate development.
2. Close to neighbouring properties.
3. The design is not in keeping with the surrounding houses.
4. There is no parking provision within the plans, which will only contribute to the already congested area at the end of Acacia Close.
5. The proposed dwelling is on a narrow, probably unadopted road which would make access for emergency vehicles difficult.

GCC Highways Development Management

28th August 2013

Such a development is covered by our standing advice, however given the objections I would just like to make the following comments.

Acacia Close is an unclassified road with no reported accidents/collisions on or near to it within the last 5 years. Although the lane serving the proposed development is narrow, it is not a Public Right of Way or throughway and only serves the existing dwellings, I am not aware of this causing severe or significant highway safety problems at present.

The National Planning Policy Framework (NPPF) says that although safe and suitable access should be provided, 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe'. The lane is private, and already serves a number of dwellings, given the low pedestrian usage, i.e. not a through route, and slow vehicle speeds, the additional dwelling/vehicles should not have a severe or significant impact upon highway safety.

Two car parking spaces are considered appropriate for the size of development, and it would be unreasonable to require the applicant to provide more. I note that the objection letters relate to inappropriate car parking within Acacia Close, should inappropriate/indiscriminate car parking be occurring in Acacia Close, or on the junctions/footways etc and are causing a highway safety danger/obstruction then the police already have powers to do something about this.

You may wish to ensure pedestrian visibility is provided onto the private lane from the car parking spaces, however as the lane is private the Highway Authority wouldn't necessarily be able to insist on this. It may also be worth considering a refuse collection point in accordance with the appropriate carry distances from Manual for Streets, 'Residents should

not be required to carry waste more than 30m to a storage point, waste vehicles should be able to get within 25m of the storage point'.

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent out to 11 neighbouring properties. In response to the publicity, seven representations have been received from local residents; these comments have been circulated to Members in full, but briefly the main objections relate to:

- Noise from the existing property
- Access / parking
- Overlooking / loss of privacy
- Out-of-keeping / overdevelopment

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main considerations when determining this application are the principle of development, the design and layout of the proposed dwelling, impact on neighbouring amenity, and highway safety.

6.2 Principle of development

6.2.1 The application site is situated within the Principal Urban Area in a sustainable location. Although the site currently forms part of the curtilage to no.12 Acacia Close, and is therefore not recognised as being 'previously developed' given the Council's lack of a five-year supply of housing, officers consider that the site is suitable for consideration to be given for residential. However, whilst the NPPF sets out that "housing applications should be considered in the context of the presumption in favour of sustainable development" there are a number of other matters which need to be considered with regard to residential proposals beyond the principle.

6.3 Site and its context

6.3.1 No.12 Acacia Close is a 1970's two storey detached dwelling which sits in a relatively large, irregular shaped plot and is accessed via a private drive which currently serves four dwellings. The site is bounded by residential development in Acacia Close, Lime Close and Watershoot Close within large modern housing estate.

6.3.2 Development within Acacia Close, and the wider estate, has taken place over a number of years, resulting in a mixed urban grain. The layout of buildings, plots, and streets within the surrounding area varies greatly.

6.4 Design and layout

6.4.1 Local plan policy CP7 requires all new development to be of a high standard of architectural design; to adequately reflect principles of urban design; and to complement and respect the character of the locality.

6.4.2 The houses within the immediate vicinity are facing brick with pitched concrete tiled roofs, and the proposed dwelling would be constructed using similar materials to complement the established character of the locality and harmonise with the existing buildings. The dwelling would be directly comparable in scale and footprint to nos. 6 and 8 Acacia Close, although it is acknowledged that these properties are gable fronted.

6.4.3 In order to address the constraints of the site, the dwelling would have an asymmetrically pitched roof with a dormer which would break the lowered eaves line to the rear.

6.4.4 Although an additional access would be created for the new dwelling, an appropriate level of enclosure will be retained by the existing well established hedge.

6.3.5 In addition, adequate car parking and private amenity spaces would be provided for both the existing and proposed dwellings.

6.4.4 The proposal is therefore considered to be in accordance with policy CP7.

6.5 Impact on neighbouring property

6.5.1 Local plan policy CP4 advises that development will only be permitted where it would not cause harm to the amenity of adjoining land users and the locality.

6.5.2 The positioning of the dwelling within the site has been largely influenced by neighbouring development. As proposed, the first floor bedroom window in the rear elevation would achieve a distance of 10.5 metres to the boundary, which is generally accepted as being an adequate minimum distance for determining privacy for neighbouring residents. The other first floor window in the rear elevation, which would be within 10.5 metres of the boundary, would serve a bathroom; this window could reasonably be expected to be obscurely glazed however a condition is recommended for the avoidance of doubt.

6.5.3 The resultant mass of the building should not result in any significant loss of outlook from the surrounding properties or have an overbearing effect. Additionally, levels of daylight currently afforded to neighbouring properties should not be unduly affected.

6.5.4 Therefore, whilst all of the concerns of the local residents have been duly noted, the proposal is considered to be in accordance with policy CP4.

6.6 Access and highway safety

6.6.1 Local plan policy TP1 seeks to prevent development which would endanger highway safety. The NPPF set outs that development should only be prevented where the impact would be severe.

6.6.2 It is considered that the Highways Development Management comments above adequately assess the development in terms of highway safety.

6.6.3 The development is therefore considered to be in accordance with policy TP1.

6.7 Other considerations

6.7.1 As with all new residential development, provision for play space would be required to meet the requirements of local plan policy RC6. As on-site play space provision is clearly not feasible in this location, policy RC6 envisages a commuted sum in order to achieve its requirements and it is considered that this matter could be adequately dealt with by way of a condition.

7. CONCLUSION AND RECOMMENDATION

7.1.1 In summary, the proposed dwelling is considered to be of a suitable design, scale and layout for this location, and would not result in any unacceptable harm to neighbouring amenity or highway safety.

7.1.2 The recommendation therefore is to grant planning permission subject to the following conditions:

8. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with Drawing Nos. 898 - 01A (SHEET 1) and 898 - 01A (SHEET 2) received by the Local Planning Authority on 24th July 2013.
Reason: To ensure the development is carried out in accordance with the approved drawings.
- 3 Prior to the commencement of development, samples of the proposed facing materials and roofing materials shall be submitted to and approved in writing by the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 Prior to the first occupation of the development, the car parking provision shall be completed and marked out in accordance with the approved plan(s). The car parking area shall thereafter be retained in accordance with the approved plans and kept available for use as car parking.
Reason: To ensure adequate car parking within the curtilage of the site in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 5 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.
Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that order) the bathroom window to the rear elevation at first floor shall be glazed with obscure glass and shall incorporate a restricted opening mechanism, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The window shall be installed in accordance with the details so approved and shall be maintained as such thereafter.
Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, walls, fences or other structures of any kind (other than those forming part of the development hereby permitted) shall be erected without planning permission.
Reason: Any further extension or alteration requires detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

INFORMATIVE

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

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APPLICATION NO: 13/01265/FUL		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 29th July 2013		DATE OF EXPIRY : 23rd September 2013	
WARD: Prestbury		PARISH: PREST	
APPLICANT:	Mr and Mrs Townsend		
LOCATION:	Pinewood, 12 Acacia Close, Prestbury		
PROPOSAL:	Erection of a detached dwelling (revised scheme)		

REPRESENTATIONS

Number of contributors	7
Number of objections	6
Number of representations	1
Number of supporting	0

4 Watershoot Close
 Prestbury
 Cheltenham
 Gloucestershire
 GL52 3EN

Comments: 3rd August 2013

The amount of noise coming from number 12, Acacia Avenue is unacceptable and highly anti-social. An additional residence in this plot will increase the noise to the point where we wouldn't be able to cope.

14 Acacia Close
 Prestbury
 Cheltenham
 Gloucestershire
 GL52 3EQ

Comments: 30th July 2013

Letter attached.

10 Acacia Close
 Prestbury
 Cheltenham
 Gloucestershire
 GL52 3EQ

Comments: 6th August 2013

Letter attached.

12 Lime Close
Prestbury
Cheltenham
Gloucestershire
GL52 3EF

Comments: 12th August 2013
Letter attached.

14 Lime Close
Prestbury
Cheltenham
Gloucestershire
GL52 3EF

Comments: 6th August 2013
Letter attached.

5 Acacia Close
Prestbury
Cheltenham
Gloucestershire
GL52 3EQ

Comments: 16th August 2013
My main objections to the proposed development at 12 Acacia Close are:

This is a very small close of 12 houses, with very little roadside parking. We currently suffer very inconsiderate parking, i.e. on pavements and in the turning circle, and also vehicles being abandoned around the junction with Acacia Close and Linden Avenue. This seriously restricts your vision when either entering or leaving Acacia Close.

Any further development would quite obviously make the situation even more dangerous. The existing, very narrow roadway just cannot sensibly accommodate yet more vehicle traffic.

A SITE VISIT IS A MUST.

9 Acacia Close
Prestbury
Cheltenham
Gloucestershire
GL52 3EQ

Comments: 11th August 2013
The proposed property is facing ours and very close which means our bedrooms and reception rooms will be overlooking each others providing no privacy at all.

The proposed property is on a very small plot and would not be in keeping with the other properties in the immediate location down this private road adversely impacting the visual appearance.


There are already a considerable number of cars using the small narrow road and this situation is worse when visitors attend. It is already difficult to manoeuvre in and out of existing properties so having a further house would make the resulting traffic a danger for accident and injury

Page 109

The current plan has the drive at an angle to the private road that would make it extremely difficult for any driver to turn in and out of the drive to private road safely and probably without driving onto our property.

Will the house have automatic rights to use the private road or will access from the public road to the house become an issue?

Cheltenham Borough Council Environment Group			
PASSED TO			
REC'D	30 JUL 2013		
Date of Response		Type of Response	
Initials of Responder		File Ref.	


 14 Acacia Close
 Prestbury
 Cheltenham
 Glos
 GL52 3EQ

29 July 2013

Cheltenham Borough Council
 Built Environment Division
 Attention Miss Michelle Payne
 PO Box 12
 Municipal Offices
 Promenade
 Cheltenham
 GL50 1PP

Dear Madam

Ref: Planning Application 13/01265/FUL 12 Acacia Close, Prestbury

With reference to the above I would like to point out the following:-

The Access to the proposed dwelling is via a narrow driveway (Less than 9ft) which already serves 3 properties, numbers 9, 12 and 14. Number 12 has 4 vehicles, number 9 has 3 vehicles and number 14 has 1 vehicle so there are already 8 vehicles regularly using this narrow driveway. Also, immediately at the head of the drive number 7 has 4 vehicles, and number 10 has 1, and numbers 8 and 6 exit from here. Acacia Close is a very short road and has very little kerbside parking and visitors and delivery vans are frequently causing problems by parking in the turning space etc. Therefore I object to this planning application because of the volume of traffic. I also object because of overdevelopment of this small area.

I would also point out that the visibility for cars reversing out of the proposed dwelling driveway would also impact on cars reversing out of number 9, as neither can reverse into the properties because of the shape of the driveway, unless more of the hedge was removed. It would also be impossible to deliver all of the materials necessary to build without removing more of the hedge. I strongly advise a site visit before this application is considered.

Although it does not affect me directly I feel it should be noted that all our recycling and food and rubbish waste (from 6 properties) has to be taken to the top of the driveway and left outside number 10(12 large bins and 6 food waste bins fortnightly) and this would increase the impact this has on the resident of number 10.

Yours faithfully



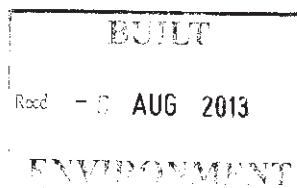


Your Ref: 13/01265/FUL

10 Acacia Close
Prestbury
CHELTENHAM
Glos
GL52 3EQ

4th August 2013

Miss Michelle Payne
Planning Officer
Cheltenham Borough Council
POB 12
Municipal Offices
Promenade
CHELTENHAM Glos
GL50 1PP



Dear Miss Payne,

RE: PROPOSED ERECTION OF DETACHED DWELLING (REVISED SCHEME) AT PINWOOD,
12 ACACIA CLOSE, PRESTBURY

With reference to the above proposal, I would like to raise the following objections:-

My comments on the previous proposal last year are still totally relevant so I have enclosed a photocopy of my objections to save repeating them. However, I must stress quite emphatically my concern about the volume of vehicles now being parked in such a small Close to the inconvenience of residents and also to any vehicles having to park (vans etc.) to carry out necessary repair work to any of the houses.

I would like to add that the road surface at the top of the drive to No. 12 has disintegrated leaving a whole load of loose stones and scree on the road surface and pavement which is never cleared. This can be dangerous and I have myself slipped and fallen on one occasion – and at 86 I find this very worrying.

To sum up:-

Noise, number of cars, and the density brought about by so many house extensions, I feel that the building of yet another detached house quite unwarranted.

Yours sincerely



2. Amenity - Rubbish Collection

The local council will not go down the driveway to nos. 9, 12 and 14, so the weekly rubbish is deposited at the front of my house, together with the rubbish from nos. 6 and 8 plus my own. In total the rubbish of 6 houses is deposited in front of my house. I often have to clean away any leftovers, which is not very nice. The very thought of yet another house is of great concern.

3. Traffic and Noise

The amount of traffic has increased considerably over the years, with the result that the road and pavement surface at the bottom of the Close has eroded causing scattered loose stones and an uneven pavement which has needed attention for some time. The building of a five bed roomed house at no. 9 has not helped and the building of another detached property would cause even more erosion.

In conclusion I would say that when I moved into Acacia Close it was a very pleasant open-planned area with plenty of space between the houses.

It was also a very quiet and peaceful location, but with alterations and additions (and a 5 bed roomed house already added) it is now over developed with every space being used and this visual prospect has deteriorated.

May I respectfully request that a member of the Council should pay a visit to Acacia Close and inspect the proposed development site prior to the decision of the Planning Committee?

Yours sincerely



PS. Incidentally there was a ruling some time ago that no more permission would be granted to owners building properties in their garden. What has become of the ruling?

Recd 12 AUG 2013
ENVIRONMENT

“Seibiant”
12 Lime Close
Prestbury
Cheltenham
Glos
GL52 3EF

9th August 2013

Cheltenham Borough Council
Built Environment Division
Attention Miss Michelle Payne
PO Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

Dear Miss Payne

Planning Application 13/01265/Ful 12 Acacia Close Prestbury.

With reference to the density of building in the immediate area surrounding 12 Acacia close, I would like to draw to your attention the extensions to Nr 6 and Nr 8 Acacia Close, and Nr 14 Lime Close not shown on the submitted plans, all these adding to the density of the buildings surrounding my property.

Nr 12 Acacia Close has been considerably extended since it was built, and the surrounding land sold and developed to such an extent I consider saturated, so I request that a visit is taken to access the viability of such a building that is being envisaged.

The submitted plans show two mature trees on the boundary line of my property, in fact from my side they are a more than twenty five foot high ugly hedge, which I struggle and lose too control. My vegetable garden that I have nurtured for over forty years is now, due to the height just not viable any more. At the present moment I am in the process of replacing my fence underneath the said hedge, if this development goes ahead, I am not sure how any much needed maintenance on the trees could be performed; there removal should be considered at the start.

Finally the noise from 12 Acacia Close has at times been intolerable, another house nearer me, owned by the same family would make living here most unpleasant.

I really do request you make a site visit, also please come and see the site from my side of the fence.

Yours sincerely



Cheltenham Borough Council Environment Group			
PASSEL			
REC'D	- 6 AUG 2013		
Date of Response		Type of Response	
Initials of Responder		The Ref.	

14 Lime Close
Prestbury
CHELTENHAM
GL52 3EF
2 August 2013

Your Ref: 13/01265/FUL

Dated: 26 July 2013

Dear Sir/Madam,

PROPOSAL: Erection of a detached dwelling at Pinewood, 12 Acacia Close Prestbury CHELTENHAM

I would like to strongly object to the proposed 2 storey house in the garden of 12 Acacia Close.

Pinewood House is situated in Acacia Close (No 12). The driveway of Pinewood House is already both vehicular and pedestrian access to four (4) properties, including Pinewood House and is a very narrow access.

12 Acacia Close is built on higher ground and my property and boundary are already considerably overlooked. A further dwelling on my boundary would further impinge on my privacy. Plus the light and sunlight would be further reduced as 12 Acacia Close already has several high growing trees, which reduces my light.

The proposed building site would benefit from a visit by yourselves to observe how impracticable that this would be, due to entry and exit of vehicles.

By looking at the drawings at CBC offices, they make the intended site look a lot larger than it actually is.

Other reasons why this build should not be allowed to proceed are as follows:

1. The building would devalue my property
2. The view from my property would be a lot of high brick work
3. I have a greenhouse, plus many plants, which are already affected by the high trees at 12 Acacia Close
4. It would look into my property, as 12 Acacia Close already does.
5. A two storey property would deprive my property of light much earlier than it already does at present, especially in the winter months
6. The noise that neighbours are subjected to already from 12 Acacia Close at times is unacceptable. Noise from another property on this site would be unbearable
7. The plans appear to have a building on my boundary, which is not acceptable

The building of this proposed property would seriously impact on the amenities of all the surrounding properties.

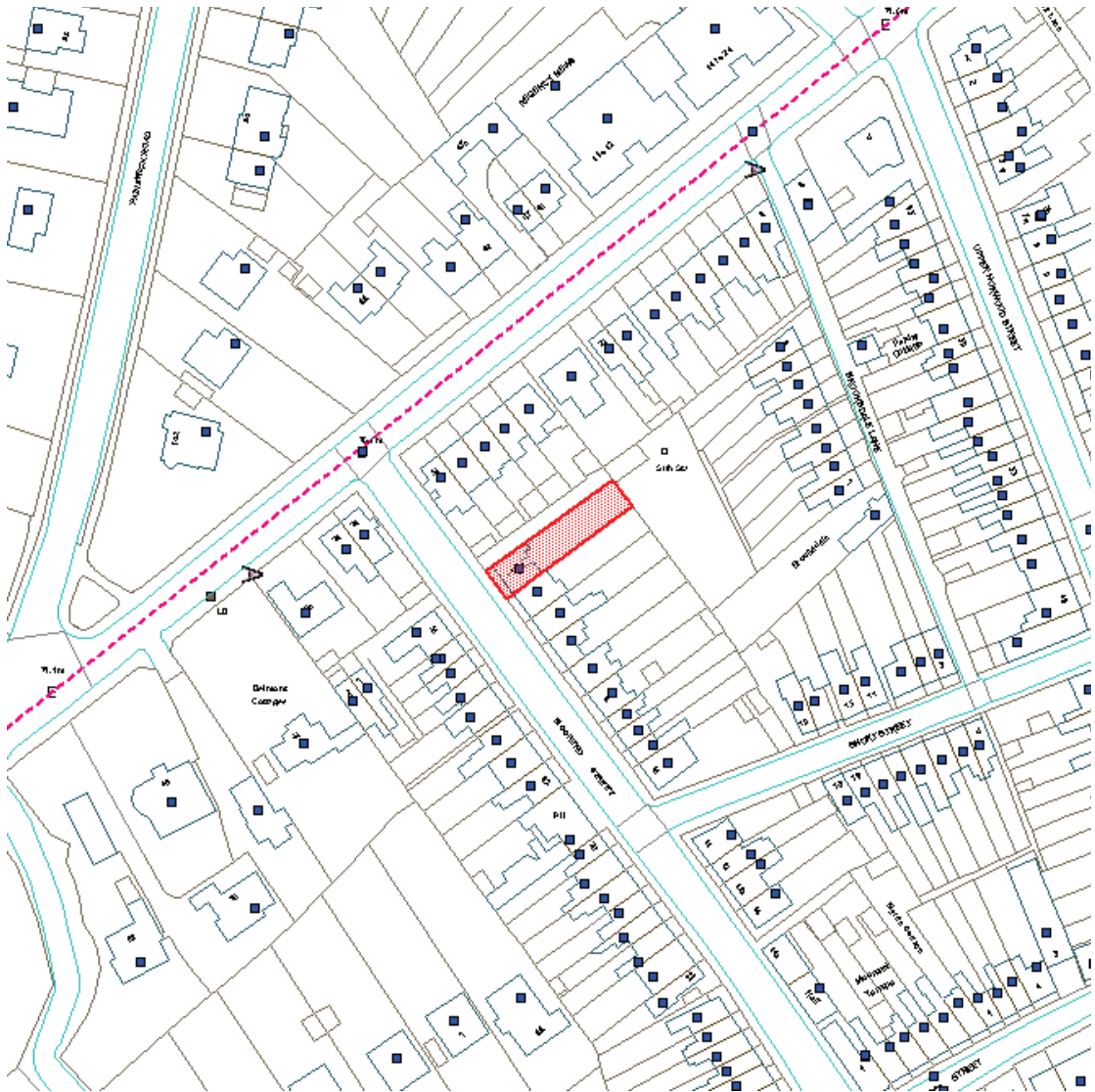
Yours faithfully



Copies to : Councillors L G Goodwin and M G Stennett

APPLICATION NO: 13/01268/FUL		OFFICER: Mrs Lucy White	
DATE REGISTERED: 25th July 2013		DATE OF EXPIRY: 19th September 2013	
WARD: Leckhampton		PARISH: None	
APPLICANT:	Mr Christopher Chavasse		
AGENT:	None		
LOCATION:	1 Moorend Street, Cheltenham		
PROPOSAL:	New railings to front of property		

RECOMMENDATION: Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application has been brought to Committee because the applicant is a member of staff within the Built Environment Section.
- 1.2 The applicant proposes the erection of new metal railings fixed to a stone plinth at the front of the property.
- 1.3 The application site consists of a two storey, end terrace dwelling with rendered facing walls and a pitched slate roof. The property has been extended at the rear in the form of a two storey extension. A private driveway runs along the west boundary of the site which provides vehicular access to a sub station and properties fronting Shurdington Road. Moorend Street is located within the Central Conservation Area (Leckhampton Character Appraisal Area) and, in keeping with surrounding streets, is characterised by rows of period terraced houses of similar age and architectural style positioned close to the pavement edge and creating a strong building line within the street scene.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints

Conservation Area
Smoke Control Order

Relevant Planning History

00/01138/FUL 23rd October 2000 PER
Internal alterations and two storey rear extension

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 4 Safe and sustainable living
CP 7 Design
BE 5 Boundary enclosures in conservation areas
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)
Sustainable developments (2003)
Central conservation area: Leckhampton Character Area and Management Plan (July 2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Cheltenham Civic Society

15th August 2013

We commend the railings but consider that the gate needs a plainer design more in keeping with the railings.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	7
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

5.1 Comments Received

5.2 A total of 7 local residents were notified of the proposal and a site notice displayed outside the property in accordance with statutory requirements. There have been no letters of representation received following the public consultation exercise.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues are the design, height and position of the new railings and their impact upon the character and appearance of the dwelling, the streetscene and the wider conservation area.

6.3 Design and layout

6.4 The proposed railings would replace a 1 metre high, rendered brick boundary wall with concrete coping detail and pedestrian gate which have all recently been demolished. The new railings follow exactly the same line as the previous wall and there is no increase in the width of the pedestrian entrance.

6.5 The proposed railings are considered acceptable in height, design, colour and finish (with appropriate spear head and finial design) and would be set into a Forest of Dean sandstone plinth and secured in place using molten or lead packing. A more detailed drawing submitted shows a pin hinge to the gate opening mechanism, a pivot hinge in the ground and a backstay all of which are considered appropriate for replica railings within a conservation area.

6.6 The Civic Society has commented that, whilst they commend the railings they consider that the gate needs a plainer design more in keeping with the railings. The proposals have been discussed with the Conservation Officer who considers the design of the railings (although ornate in terms of the gate), are traditional in form and design, will enhance the street scene and are an obvious improvement on the previous front boundary wall.

6.7 Impact on neighbouring property

6.8 There would be no impact upon the amenity of occupiers of adjoining properties.

6.9 Access and highway issues

6.10 Access and visibility along the private driveway adjacent to No 1 Moored Street would not be obstructed.

7. CONCLUSION AND RECOMMENDATION

- 7.1 In all other aspects the proposed development adheres to Policy CP7 (design) and BE5 (boundary enclosures in conservation areas) and it is therefore recommended that planning permission be granted subject to the following conditions.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 1268.03, 1268.04 received 24th July 2013 and 7th August 2013.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 The proposed plinth shall be constructed of Forest of Dean sandstone unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

Cheltenham Borough Council

Planning Committee – 19th September, 2013

Report of Director Built Environment

Review of Planning Code of Conduct

Executive summary This report seeks nominations for 3 members of the Planning Committee to sit on a working group that has been established by the Standards Committee to review the Planning Code of Conduct

Recommendation I recommend that committee:-

1) Nominates three of its members to sit on the working group established by the Standards Committee to review the Planning Code of Conduct; and

2) Agrees that any changes to the Planning Code of Conduct proposed by the working group be reported back to Planning Committee in advance of consideration by the Standards Committee.

1. Background

- 1.1 As part of its work programme the Standards Committee agreed to commence a review of the Planning Code of Conduct.
- 1.2 At a meeting of the Standards Committee on 18th July, 2013, it was resolved to establish a “task and finish” working group of members and officers to review the Planning Code of Conduct and prepare a revised Code for consideration by the Standards Committee.
- 1.3 It was agreed that the composition of the working group should be 3 Standards Committee Members, 3 Planning Committee Members and 3 officers (2 Planning and 1 One Legal).

2. Planning Code of Conduct

- 2.1 The Planning Code of Conduct, which is attached as Appendix 1 to this report, was adopted by Council on the 9th October, 2006. Its purpose is to provide detailed guidance for members involved in the planning process and it is intended that it works alongside the requirements of the Cheltenham Borough Council ‘Code of Members’ Conduct’.
- 2.2 Although the general tenor and thrust of the advice contained in the Planning Code of Conduct remains relevant and should continue to be observed whilst the Code is being reviewed, there have been two significant changes to the Standards/Code of Conduct regime since the introduction of the Code in 2006.

3. Proposed methodology and timescale for review

3.1 In order for an effective review to be undertaken which takes into account both planning and conduct requirements, the Standards Committee has agreed that a “task and finish” working group of members and officers be set up to review the Planning Code of Conduct and recommend changes for the approval of the Standards Committee. As part of this process, the working group will review recent best practice and any guidance from the Department for Communities and Local Government (DCLG) and other public and professional bodies.

3.2 The agreed terms of reference for the group are as follows: -

“To review the Planning Code of Conduct and prepare a revised Code for consideration by the Standards Committee. The review will include consideration of any recent best practice and guidance from the Department for Communities and Local Government and other relevant professional and public bodies. The review will include consultation as appropriate with Members and Officers.”

3.3 The review, which will commence shortly, will include both formal and informal consultation with members and officers and is likely to take approximately 3 to 4 months to complete.

4. Reason for the recommendation

4.1 To ensure that the Planning Code of Conduct is up to date and fit for purpose.

Report author	Sarah Farooqi, Principal Solicitor, One Legal Contact officer: Mike Redman, Director Built Environment
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